Response to Comments on the Draft NPDES Permit for Naval Base Kitsap Bangor

Overview

EPA Region 10 issued a draft reissued permit for Naval Base Kitsap (NBK) Bangor for public review and comment on February 14, 2023. The public comment period was scheduled to end on March 16, 2023, but it was subsequently extended until April 17, 2023. EPA received comments from the U.S. Navy (Navy) and from the Port Gamble S'Klallam Tribe (PGST).

Responses to Comments Received on the Draft Permit

Comment #1 (Navy)

The scope of NPDES draft permit WA002557 is to regulate discharges from the NBK Bangor Delta Pier Drydock Non-contact cooling water (Outfall 001) and from the Drydock itself (Outfall 002). There are multiple instances within the draft permit where the draft permit attempts to regulate activities outside of the scope of these two outfalls regulated by the scope of the permit. The activities that do not pertain to Outfalls 001 and 002 are already regulated by other existing facility permits. This creates redundant regulation, and confusion regarding applicable requirements.

Examples include:

1. The requirement to create and implement a BMP plan within WA002557 (requirement V.B) should only apply to areas and activities that discharge to (Outfall 001- Delta Pier Drydock Non-contact cooling water) and (Outfall 002 – Delta Pier Graving Dock discharges). Best Management Practices for all other industrial activities at NBK Bangor, which includes other pier area activities that do not discharge from the two outfalls within the scope of WA002557 (Outfall 001 and Outfall 002) are already regulated under NBK's EPA NPDES Stormwater Multi-Sector General Permit (MSGP) for Industrial Activities (WAR05F004) or NBK's Municipal Separate Storm Sewer System (MS4) Permit (WAS026646). Additionally, dry abrasive blasting and spray painting operations are regulated by Puget Sound Clean Air Agency (PSCAA) Notice of Construction Permits, which place stringent BMP requirements on any abrasive blasting or spray painting operations. In the permit application, the Navy specifically requested NPDES permit coverage for Outfalls 1 and 2, those two unique discharges, since discharges from other industrial activities are covered under WAR05F004 and WAS026646.
2. The draft requirement to include sediment monitoring in the permit. Sediment Monitoring and clean-up of contaminated sites is managed through EPA's superfund program (CERCLA) https://www.epa.gov/superfund/how-superfund-cleans-sediment-sites and not CWA regulations and this NPDES permit. This requirement should be removed as it is duplicative of the Navy's Remediation Program. Hood Canal Sediments are covered under the CERCLA Program under Operational Unit 7, Site 26. The Record of Decision for Operational Unit 7 was signed on April 3, 1996. As this site is already being monitored under CERCLA, the Navy

believes the additional sediment monitoring requested under the NPDES Permit is not appropriate for inclusion in this permit.

3. The draft permit includes a significant amount of language which appears to be standard to WWTP permits. Reporting of oil and hazardous substance and wastewater overflows and releases is included in NBK Bangor's State Waste Discharge Permit (ST-007363) and the Commander Navy Region Northwest's Oil and Hazardous Substances Integrated Contingency Plan. Both plans are approved by regulatory agencies and enforceable. Including release reporting requirements. Including redundant release reporting requirements for activities not applicable to the discharges of the two regulated outfalls (Outfall 001 and Outfall 002) within the scope of this NPDES permit creates redundant regulation, and confusion regarding applicable requirements.

Response #1

This NPDES permit regulates discharges from outfalls 001 and 002. Regarding the scope of the Best Management Practices (BMP) plan requirements (item #1), the objectives of the BMP plan in the reissued permit are identical to those in the 2010 permit. Specifically, both the 2010 and 2023 permit state, "The permittee shall develop and amend the BMP Plan consistent with the following objectives for control of pollutants that contribute to Outfalls 001, 002 and that are generated from in-water vessel maintenance above the waterline." See Part II.B.3 in both 2010 and 2023 permits. Activities that do not contribute to discharges from outfalls 001 or 002 and that are not generated from in-water vessel maintenance above the waterline are excluded from the BMP plan requirements of this permit.

The fact that spray painting and dry abrasive blasting activities are regulated by Puget Sound Clean Air Agency (PSCAA) Notice of Construction Permits does not mean that such activities need not be regulated under an NPDES permit. The objective of the PSCAA permits is to protect air quality. While BMPs implemented under such permits may also have water quality benefits, it is nonetheless appropriate for this NPDES permit to require a BMP plan with the specific goal of protecting water quality. As stated in Part II.B.2 of the permit, "the BMP Plan may reference elements in other plans, permits, procedures and instructions." Thus, the BMP Plan requirements of the permit are not duplicative of requirements in other permits.

Regarding sediment monitoring (item #2), NPDES permits may include sediment monitoring requirements; see the *U.S. EPA NPDES Permit Writer's Manual* at Section 9.1.1 (USEPA, 2010). As explained in the fact sheet at page 24, "The State of Washington has sediment management standards, which are EPA-approved water quality standards. The draft permit proposes sediment monitoring because there are category 4B sediment listings for mercury and polychlorinated biphenyls (PCBs) adjacent to the facility, but there are no recent sediment data near the facility. The purpose of this monitoring is to characterize sediment (the nature and extent of chemical contamination, biological toxicity, or both) quality in the vicinity of the Permittee's discharge locations."

The sediment monitoring requirements are consistent with the recommendations of Ecology's *Water Quality Program Permit Writers' Manual* (Ecology, 2018) and *Sediment Cleanup User's Manual (SCUM)* (Ecology, 2021). Specifically, a screening level evaluation for the potential to sediment impacts shows that the facility has a risk for causing adverse sediment impacts because it uses, stores, produces as a product or waste, or transfers hazardous substances listed in 40 CFR 302.4 and has the potential to discharge solid inorganic materials such as paint chips and slag. There are no recent sediment data

available at the facility. Sediment data were collected in 1992 adjacent to the facility, at EIM location ID NAV_TRFTRF_01MC (https://apps.ecology.wa.gov/eim/search/). According to the Final Record of Decision for Operable Unit 7 Naval Submarine Base, Bangor, Silverdale, Washington (URS, 1996), sampling was conducted at Delta Pier in 1992 and 1993, and concentrations of bis(2-ethylhexyl)phthalate exceeded sediment management standards.

After the public comment period, the Navy provided sediment monitoring data collected in 2004. None of the monitoring locations were at Delta Pier, but rather were for Floral Point, which is about 1.8 miles north-northeast from Delta Pier. As such, the only available sediment data near the Delta Pier dry dock are about 30 years old.

Since the facility has a risk for causing adverse sediment impacts and there are no recent data available for a technical evaluation, Figure 31 in the *Water Quality Program Permit Writers' Manual* recommends requiring baseline sediment monitoring in the permit. According to Section A.2 of Appendix A to the *Sediment Cleanup User's Manual (SCUM)*, baseline monitoring is conducted to evaluate current conditions, the potential for an NPDES-permitted discharge to cause sediment impacts, or to determine if a sediment impact zone may be necessary. Similar sediment monitoring requirements have appeared in several NPDES permits issued by Ecology for commercial shipyards and boatyards (SIC codes 3731 and 3732) including Northlake Shipyard, Inc. (permit #WA0030864), JT Marine, Inc. (WA0039438), Motive Power Marine Shipyard (WA0041106), Lovric's Sea-Craft, Inc. (WA0501491), and JM Martinac Shipbuilding Corporation (WA0039560). These permits may be found in Ecology's Water Quality Permitting and Reporting Information System (PARIS) (https://apps.ecology.wa.gov/paris/).

Since there is no ongoing sediment monitoring being conducted under CERCLA, sediment monitoring requirements in the NPDES permit are not duplicative of or in conflict with CERCLA requirements.

Regarding standard permit language (item #3), EPA agrees that certain requirements in the draft permit are standard conditions applicable to permits for publicly owned treatment works and were included in this permit by mistake, specifically, the requirements of Part III.G.1.e of the draft permit, regarding reporting of municipal sewage overflows, and Part IV.K of the draft permit, regarding reopening the permit to include applicable standards for sewage sludge use or disposal. These conditions have been removed from the final permit. See also the response to comment #20.

Comment #2 (Navy)

The Monthly Discharge Monitoring Reports submission date should be changed to require submission on the 28th of the month. In order to ensure enough time for commercial lab turnaround of samples conducted late in a monitoring month, as well as completion of the DMR. Respectfully request that DMR's be due on the 28th day of the following month vice the 20th day as listed in the draft permit.

Response #2

EPA agrees to change the Discharge Monitoring Report (DMR) submittal to the 28th day of the month following the monitoring month. Permit Part III.B.1 and the schedule of submissions table have been changed to allow DMRs to be submitted by the 28th day of the month following the monitoring month.

Comment #3 (Navy)

QAP submission schedule:

Due to the volume and significance of changes in the draft permit, greater than 90 days from permit issuance is necessary and justified for development of an updated Quality Assurance Plan to ensure compliance with the changes proposed in the draft permit.

A minimum of one year from the issue date would be a minimum reasonable submission date for the QAP due to the significance and volume of new permit requirements and monitoring proposed in the draft permit.

Response #3

The draft permit included new monitoring requirements for pH, ammonia, and dissolved oxygen (DO). As stated in the response to comment #11, EPA has deleted the requirement for continuous DO monitoring from the final permit.

EPA does not agree that 1 year is necessary for development of a revised Quality Assurance Plan (QAP). However, EPA has changed the final permit to allow the permittee to notify EPA that the QAP has been developed and implemented within 180 days of the effective date of the final permit, instead of 90 days. See Permit Part II.A. Since the permittee already has a QAP, EPA believes this is adequate time to update the QAP to address the reissued permit's new monitoring requirements for pH and ammonia.

The permittee must always use adequate laboratory controls and appropriate quality assurance procedures (permit Part IV.E; see also 40 CFR 122.41(e)).

Comment #4 (Navy)

BMP Plan submission schedule: Due to the volume and significance of changes in the draft permit, greater than 180 days from permit issuance is necessary for development of a revised BMP Plan for the new permit. A minimum of one year from the issue date is requested to properly analyze the new requirements and to develop a technically sound BMP Plan.

Response #4

The new BMP Plan requirements in the draft permit that were not present in the prior permit are:

- The dry dock activities BMPs in Part II.B.4.b.i,
- Paint and solvent BMPs in Part II.B.4.b.iv.b
- Chemical storage BMPs in Part II.B.4.b.xi (Part II.B.4.viii in the final permit)
- BMPs for Per- and Polyfluoroalkyl Substances (PFAS)-containing aqueous film-forming foam (AFFF) in Parts II.B.4.b.i.g – i (see also the response to comment #69).

As stated in the permit at Part II.B.2, any existing BMP plans may be modified for compliance with the BMP plan requirements of the reissued permit. EPA does not agree that the revised BMP Plan requirements differ from those in the prior permit to such an extent that 1 year is necessary to revise the BMP plan. The deadline for BMP Plan notification remains at 180 days from the effective date of the final permit. No changes were made to the permit as a result of this comment.

Comment #5 (Navy)

Table 1: Recommend clearly defining within VI. Definitions

Temperature, effluent gross

Temperature, effluent net

To avoid confusion, please ensure permit clearly defines calculation of the 5.9 (7DADMax) effluent net temperature limit.

Response #5

Definitions of the terms “effluent gross” and “effluent net” have been added to Part VI of the final permit.

The draft permit defined the calculation of the 7-DADMax effluent net temperature at Permit Part I.B.6. The final permit retains this definition, in which it is numbered I.B.5.

Comment #6 (Navy)

Table 1: If there will be a Temperature, influent gross monitoring requirement that will be reported in the DMR, recommend listing it as a monitoring requirement in Table 1.

Response #6

To clarify the temperature monitoring requirements, the intake temperature monitoring requirement is now listed in a separate row in Table 1.

Comment #7 (Navy)

Table 1: Monitoring requirements call for continuous monitoring of intake and effluent temperature. Please define ‘continuous’

Response #7

The prior permit stated, in footnote C to Table 1, “The permittee shall use a temperature probe or a continuous monitoring thermistor set at a one-half hour sampling interval.” This provision was omitted from the draft permit.

The final permit includes a similar definition of “continuous” temperature monitoring as used in the prior permit. The final permit states, in footnote #3 to Table 1, “The permittee must use a temperature probe or a continuous monitoring thermistor set at a sampling interval no longer than one half hour.”

Comment #8 (Navy)

Ammonia monitoring: The requirement in the draft permit to monitor for ammonia is overly burdensome and unnecessary because NBK Bangor’s discharges from Outfall 001 do not have a reasonable potential to contribute to a violation of the water quality criteria for ammonia.

Ammonia is not a pollutant of concern for non-contact cooling water and there is no possibility of ammonia being introduced while operating the auxiliary salt water (ASW) system. Section III.B.1 (Page 15) of the Fact sheet states: ‘There are no known sources of nitrogen in the discharge, and the only form of nitrogen for which effluent data are available for this facility is ammonia. As shown in Table 2, the effluent concentration of ammonia is low,’ so ammonia monitoring should not be required. Thus, there is no reason to expect that nitrogen or oxygen demand in the discharges authorized by this permit will cause or contribute to violations of dissolved oxygen criteria.

Only one sample value for ammonia, taken in 2014, was included in the permit application submitted to EPA in 2015. The requirement to monitor for ammonia appears to be based upon this one, old value, which is not an accurate characterization of the quality of the discharge.

From the Fact Sheet (page 20), Section IV.A.2.3.c.: 'A reasonable potential calculation showed that the NBK Bangor discharge does not have the reasonable potential to cause or contribute to a violation of the water quality criteria for ammonia. Therefore, no effluent limits are proposed for ammonia.' This should be reason not to require monitoring of ammonia.

Response #8

As stated in the fact sheet at Page 23, although the single ammonia result reported on the application did not show that there is a reasonable potential to cause or contribute to excursions above water quality standards for ammonia, the effluent ammonia concentration is higher than the ambient ammonia concentration. EPA considers ammonia a pollutant of concern because the effluent concentration of ammonia reported on the application was higher than the ambient concentration. Therefore, the draft permit proposed quarterly effluent monitoring of ammonia. The points raised in the comment (i.e., that there is only one sample and there is not a known source of ammonia in the ASW system) do not change the status of ammonia as a pollutant of concern that should be monitored.

No change was made to the permit as a result of this comment.

Comment #9 (Navy)

Copper monitoring: The requirement in the draft permit to monitor for copper is overly burdensome and unnecessary because NBK Bangor's discharges from Outfall 001 do not have a reasonable potential to contribute to a violation of the water quality criteria for copper.

From the Fact Sheet (page 20), Section IV.A.2.3.c: 'A reasonable potential calculation showed that the NBK Bangor discharge does not have the reasonable potential to cause or contribute to a violation of the water quality criteria for copper. Therefore, no effluent limits are proposed for copper.'

This should be reason not to require monitoring of copper.

If copper monitoring is included, recommend that there be a sunset provision for the monitoring requirement included in the permit.

Response #9

As explained in the fact sheet at Page 23, the draft permit proposes to reduce the monitoring frequency for copper from once every two months to once per quarter. Although the facility does not have the reasonable potential to cause or contribute to excursions above water quality criteria based on historic data, effluent copper concentrations exceed water quality criteria for copper at the end-of-pipe. Continued effluent monitoring for copper is necessary so that reasonable potential can be re-evaluated with current effluent data when the permit is reissued. No change was made to the permit as a result of this comment.

Comment #10 (Navy)

pH monitoring: The requirement in the draft permit to monitor for pH is overly burdensome and unnecessary because NBK Bangor's discharges from Outfall 001 do not have a reasonable potential to contribute to a violation of the water quality criteria for pH.

pH is not a pollutant of concern and available data supports that discharges of non-contact cooling water would not alter the pH of the intake water body.

From the Fact Sheet (page 21), Section IV.A.2.3.c: 'Only two effluent measurements are available for pH (Table 2). The lower of the two effluent pH values is below the lower bound of Washington's water quality criteria for pH, which is 7.0 to 8.5 s.u. WAC 173-201A-210(1)(e). However, a discharge at the minimum observed effluent pH will not cause or contribute to excursions below the water quality criteria for pH at the edge of the mixing zone, so no effluent limits are proposed for pH.' This should suffice not to require pH monitoring.

If the requirement to monitor for pH is not removed, please clarify the periodicity and reporting requirements. The draft permit requires the reporting of minimum and maximum pH, however the sampling frequency is 1/quarter, meaning that there will only be one value per quarter, not a minimum or maximum. Please clarify monitoring and periodicity.

Response #10

As stated in the fact sheet at Page 23, since the pH data reported on the application indicated that the effluent pH does not consistently meet water quality criteria for pH at the end of pipe, the draft permit proposes effluent monitoring requirements for pH at outfall 001.

The required monitoring frequency for pH is quarterly, as stated in the permit. Table 1 of the final permit now specifies that the permittee is to report the single grab result instead of the minimum and maximum reporting requirement proposed in the draft permit.

Comment #11 (Navy)

Dissolved Oxygen monitoring: The requirement in the draft permit to monitor for Dissolved Oxygen is overly burdensome and unnecessary because NBK Bangor's discharges from Outfall 001 do not have a reasonable potential to contribute to a violation of the water quality criteria for Dissolved oxygen.

Dissolved oxygen is not a pollutant of concern for non-contact cooling water. Outfall 001 is currently not equipped with a continuous Dissolved Oxygen monitoring system. Installation of this system would require significant capital investment and time to install at taxpayer expense, and is unnecessary given that discharges from Outfall 001 do not have reasonable potential to contribute to a violation of the water quality criteria for Dissolved oxygen.

If the requirement to monitor for dissolved oxygen is not removed, please define 'continuous' monitoring. Please clarify which monthly parameters must be reported (Report average and minimum monthly or daily?). Section III.B.1. (Page 15) of the Fact sheet states: 'Dissolved Oxygen impairments in Puget Sound are caused primarily by nitrogen discharged by municipal wastewater treatment plants. There are no known sources of nitrogen in the discharge of Outfall 001. Thus, there is no reason to expect that nitrogen or oxygen demand in the discharges authorized by this permit will cause or contribute to violations of dissolved oxygen criteria. The draft permit, however, proposes continuous monitoring of influent and effluent dissolved oxygen to determine if near-field DO concentrations are affected by discharges of relatively warm water.'

Based on the above statement, there is no supporting evidence that once-through cooling water would negatively impact the DO content of the receiving water.

If the requirement to monitor for DO is not eliminated, then the Navy requests to adjust the start date and to allow at least three years from permit effective date to implement continuous DO monitoring due to the length of time required for the federal planning and funding cycles.

Response #11

The fact sheet states, at Page 23, that since beneficial uses of Hood Canal are impaired by low DO, and since water has less capacity for DO at the higher temperatures expected in the cooling water discharge, the draft permit proposes continuous monitoring of the intake and effluent DO, beginning one year after the effective date of the final permit.

EPA has calculated the impact of potentially low DO in the discharge. For this calculation, the receiving water DO concentration was set equal to 5.02 mg/L, which the 10th percentile profile median concentration observed at EIM monitoring location HCB006, which is the closest monitoring station to outfall 001 with DO data, and which is located 1,836 feet from outfall 001. The effluent DO concentration was set equal to 3.02 mg/L. This was estimated by multiplying the saturated DO concentration at the maximum reported 7-DADMax temperature in Table 2 of the Fact sheet (21.4 °C), which is 7.42 mg/L, by the minimum observed profile minimum DO saturation at EIM monitoring location HCB006, which is 40.7%.

A discharge of water with a DO concentration of 3.02 mg/L (reflecting the minimum DO saturation observed at EIM monitoring station HCB006, at the maximum reported effluent temperature) would cause a DO decrease of 0.007 mg/L at the edge of the mixing zone. In Washington's antidegradation policy, a dissolved oxygen decrease of 0.2 mg/L is defined as a measurable change. As a result, the DO decrease from this discharge at the edge of the mixing zone is 3.5% of that defined as measurable in Washington's antidegradation policy. This indicates that the discharge will not measurably decrease DO in the receiving water. Therefore, EPA has determined that intake and effluent DO monitoring is not necessary and has removed the intake and effluent DO monitoring requirements from the permit.

Comment #12 (Navy)

Notes in Table 1: note #1 is not referenced in anything in the table.

Response #12

Footnote #1 to Table 1 is now applied to the 7-day average of the daily maximum (7-DADMax) effluent net temperature limit for May – September. See Table 1 of the final permit.

Comment #13 (Navy)

Table 1 Title: Superscript #4 is not defined.

Response #13

Superscript #4 in the title of Table 1 in the draft permit was a typographical error, which has been removed from the final permit.

Comment #14 (Navy)

Permit Part I.B.5.b. Requirement to observe surface water in vicinity of the receiving water:

This requirement appears to be standard language imposed in wastewater permits for Wastewater Treatment Plants with limited applicability to discharges of non-contact cooling water. There is limited

environmental benefit to require surface water monitoring for the discharge of non-contact cooling water.

Outfall 001 discharges 30 ft below MLLW. Discharges are continuous when a vessel is in the dry dock and the cooling water system is operational. If the requirement is not removed, please clarify the periodicity and what is to be monitored and reported.

If this requirement is maintained, additional clarity must be provided regarding monitoring requirements and periodicity. Recommend 1/qtr.

Response #14

This requirement is not specific to wastewater treatment plants. Further, this monitoring requirement applies to outfall 002, not outfall 001.

As explained in the fact sheet at Page 21, the draft permit carries forward the prior permit's prohibition on floating solids or oily wastes that produce a visible sheen on the surface of the receiving water. This provision implements the narrative water quality criterion stating that "aesthetic values must not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste" (WAC 173-201A-260(2)(b)). Outfall 002 has the reasonable potential to cause or contribute to violations of this narrative criterion because a failure to properly implement BMPs in the dry dock could result in discharges of solids or oil. Compliance with this provision is verified using visual monitoring.

The final permit clarifies that this requirement applies to outfall 002 by moving this requirement below the "Outfall 002 Drydock" heading and editing it to state that "the permittee must observe the surface of the receiving water in the vicinity of Outfall 002" instead of "in the vicinity of where the effluent enters the surface water." As stated in Table 2, the required sampling frequency is that the observation must be performed during each docking/undocking evolution, which is unchanged from the prior permit.

Comment #15 (Navy)

Sediment Monitoring: Please provide additional rationale for requiring sediment monitoring, if data for Hood Canal does not necessitate TMDL establishment. Requiring sediment monitoring in this NPDES permit is not the appropriate place to establish the requirement.

Sediment monitoring and clean-up of contaminated sites is managed through EPA's superfund program (CERCLA) https://www.epa.gov/superfund/how-superfund-cleans-sediment-sites and not CWA regulations and NPDES permits. This requirement should be removed as it is duplicative of the Navy's Remediation Program. Hood Canal Sediments are covered under the CERCLA Program under Operational Unit 7, Site 26. The Record of Decision for Operational Unit 7 was signed on April 3, 1996. As this site is already being monitored under CERCLA, the Navy believes the additional sediment sampling requested under the NPDES Permit is redundant and unnecessary.

Additionally, there is no reason to suspect that the pollutants contained in non-contact cooling water and dry dock dewatering water accumulate in the sediment of the receiving waters.

Section III.B.1 of the Fact Sheet states: '..there are listings for 15 parameters in sediment in Hood Canal, including copper, which is a pollutant of concern for this discharge. However, all of the sediment

category 5 listings in Hood Canal are from grid cells adjacent to the former Pope and Talbot, Inc. Sawmill near Port Gamble. Sediment quality at that location would not be affected by the discharges authorized in this permit.

There are a total of 38 category 4B listings for 24 parameters in sediment in hood Canal. Waters in category 4B have one or more impaired or threatened beneficial uses, but a TMDL is not required because other pollution control requirements are expected to address the water quality impairments.' This should be sufficient justification to not require sediment monitoring within this NPDES permit.

Request sediment monitoring requirements in the draft permit be removed. If this requirement is not removed, then it should be addressed through the proper regulatory programs and not the NPDES permitting program.

Response #15

Washington's sediment management standards have been approved by the EPA and are in effect for Clean Water Act purposes, including NPDES permits. As stated in Section 9.1.1 of the U*.S. EPA NPDES Permit Writers' Manual* (USEPA, 2010), sediment monitoring could be included in a permit if a permit writer suspects that pollutants contained in wastewater discharges accumulate in the sediments of the receiving water. As stated in the fact sheet at Page 24, EPA is requiring sediment monitoring in the permit because there are no recent sediment data near the facility. As stated in the response to comment #1, sediment monitoring requirements in this permit are consistent with the Washington Department of Ecology's permitting and sediment cleanup guidance as well as past permitting practices. No change has been made to the permit as a result of this comment.

Comment #16 (Navy)

If the requirement to perform Sediment Monitoring is not eliminated, then the one year timeline established in Permit Part C.1. is not reasonable or achievable due to federal budgeting and planning cycles and given the additional requirement to consult with outside agencies and obtain written approval of the plan.

If the requirement is maintained, the Navy requests to adjust the start date for submission of the Sediment Sampling and Analysis Plan. Any actionable due dates must take into account adequate review and approval time for any reviewing partner agencies. A minimum of three years from permit effective date is a more reasonable achievable timeline.

Response #16

EPA agrees that additional time is necessary for the Navy to prepare and submit a sediment sampling and analysis plan and to submit a sediment data report. However, in order to ensure that sediment monitoring will be completed within the 5-year term of the permit, the deadline for the sampling and analysis plan has been changed to 2 years and 6 months after the effective date of the final permit, and the deadline for submittal of the sediment data report has been changed to 4 years and 11 months after the effective date of the final permit.

Comment #17 (Navy)

As a federal facility, NBK Bangor is regulated by EPA for CWA NPDES permitting. Submission of plans and data to demonstrate compliance with the conditions of the permit is submitted to EPA.

It is burdensome and confusing to establish a requirement to coordinate with both EPA and the state WADOE separately to seek approval and submit data for compliance with conditions of this NPDES permit. Recommend removal of the requirement for the Navy to additionally seek separate approval from WA Dept of Ecology for the Sediment Monitoring SAP and submit data to the state EIM. If state approval is appropriate, recommend the process of state review and approval of the SAP and submission of results be incorporated into the EPA's review, approval, and data collection vice the Navy as the permittee needing to obtain separate approvals and submit data to both agencies.

The sediment monitoring requirement will take time to plan, schedule and secure the funding. The Environmental review process, to include NEPA, potential permitting, and approval of the SAP will require time and be subject to funding availability. Based on these factors, five years from permit start date for submittal of the Sediment Monitoring Report is a more reasonable achievable timeline.

Response #17

EPA has changed the reporting requirements for sediment monitoring so that the sampling and analysis plan and the data report must be submitted to EPA. EPA will forward these submittals to Ecology and will coordinate with Ecology regarding approval of the sampling and analysis plan.

The permit retains the requirement to submit sediment data to Ecology's EIM database. Ecology had requested that sediment data be submitted to that system. Ecology staff can work with the Navy on EIM data entry (personal communication with Erica C. Fot, Washington Department of Ecology, November 9 2022 and July 24, 2023).

As stated in the response to comment #16, the deadline for submittal of the sediment data report has been changed to 4 years and 11 months after the effective date of the final permit.

Comment #18 (Navy)

Due to the volume and significance of changes in the draft permit, greater than 90 days from permit issuance is necessary and justified for development of an updated Quality Assurance Plan to ensure compliance with the many significant changes proposed in the draft permit.

A minimum of two years from the issue date would be a minimum reasonable submission date for the QAP due to the significance and volume of new permit requirements and monitoring proposed in the draft permit.

Response #18

This comment, requesting two years from the permit's issuance date to update the QAP, conflicts with comment #3, also submitted by the Navy, which requests 1 year from the issuance date to update the QAP. See response to comment #3 re the deadline for updating the QAP.

Comment #19 (Navy)

Navy request to use Uniform Federal Policy for Quality Assurance Plans instead of EPA QAP.

Response #19

As stated in Section 1.0 of the Uniform Federal Policy for Quality Assurance Project Plans Part 1: UFP-QAPP Manual, "the Uniform Federal Policy for Quality Assurance Project Plans (UFP-QAPP) has been developed to facilitate consistent implementation of the project-specific requirements of…EPA

Requirements for Quality Assurance Project Plans (EPA QA/R-5, EPA/240/B-01/003, March 2001) and EPA Guidance for Quality Assurance Project Plans (EPA QA/G-5, EPA/600/R-98/018, February 1998)."

EPA has replaced the references to EPA Requirements for Quality Assurance Project Plans (EPA QA/R-5, EPA/240/B-01/003, March 2001) and EPA Guidance for Quality Assurance Project Plans (EPA QA/G-5, EPA/600/R-98/018, February 1998) with a reference to the UFP-QAPP documents.

Comment #20 (Navy)

BMP plan submission date: Due to the volume and significance of changes in the draft permit, greater than 180 days from permit issuance is necessary for development of an updated BMP Plan for the new permit. A minimum of one year from the issue date would be a reasonable submission date for the BMP Plan due to the significance and volume of new permit requirements from the existing permit.

Response #20

See response to comment #4, above.

Comment #21 (Navy)

Permit part II. B: Best Management Practices. Contained in Table 2 at the end of this document, are detailed comments regarding how the BMPs in this draft permit are duplicative of existing plans, permits, procedures, and instructions already implemented at Naval Base Kitsap Bangor. NBK Bangor's primary wastewater control mechanism is collection, treatment, and discharge of dry dock stormwater into the sanitary sewer per State Waste Discharge Permit ST-7363. Considering our in-place management practices, we request that the BMP Plan only focus on activities reasonably expected to provide the potential for introduction of pollutants into Outfalls 001 and 002.

Response #21

Responses to the comments in Table 2 of the Navy's comment letter are provided in the response to comment #67. See also the response to comment #1.

As stated in Part II.B.2 of the permit, "the BMP Plan may reference elements in other plans, permits, procedures and instructions." Thus, the BMP Plan requirements of the permit are not duplicative of requirements in other permits.

Comment #22 (Navy)

II.B.: Best Management Practices

BMPs not specifically associated with discharges from the Auxiliary Saltwater Cooling system and Delta Dry Dock should not be considered within scope of the BMP plan for NPDES Permit WAS002557. BMPs for other activities are already regulated under NBK's EPA NPDES Stormwater Multi-Sector General Permit (MSGP) for Industrial Activities (WAR05F004) or NBK's Municipal Separate Storm Sewer System (MS4) Permit (WAS026646).

The NPDES permit application was submitted specifically for Delta Pier Dry Dock discharges, however, the draft permit includes processes and operations already covered by the EPA Stormwater Multisector Permit for Industrial Activities. The permit states in Section I.A.: "During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfalls specified herein to Hood Canal, within the limits and subject to the conditions set forth herein. This permit authorizes the

discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process. Authorized discharges included the discharge of non-contact cooling water (Auxiliary Salt Water) at Outfall 001 and the discharge of dry dock floodwater at Outfall 002." As requested, please remove BMPs in the draft permit not specifically related to outfalls 001 and 002.

Response #22

See the response to comment #1.

Comment #23 (Navy)

II.B.3.c: In-water vessel maintenance above the waterline BMPs: Navy requests to have that BMPs pertaining to in-water vessel maintenance above the waterline be removed since such activities are already regulated under NBK's MSGP (WAR05F004) or NBK's MS4 Permit (WAS0266646). See the Table 2 within comments.

Response #23

As stated in Part II.B.2 of the permit, "the BMP Plan may reference elements in other plans, permits, procedures and instructions." Thus, the BMP Plan requirements of the permit are not duplicative of requirements in other permits. See also response to comment #1, above. No change was made to the permit as a result of this comment.

Comment #24 (Navy)

II.B.3.c: 'The examination shall include all normal operations and ancillary activities including material storage areas, storm water, in-plant transfer, material handling and process handling areas, loading or unloading operations, spillage or leaks, sludge and waste disposal, or drainage from raw material storage.'

All of these areas described in this statement are already governed by other NBK Bangor plans, permits, and instructions and do not need to be addressed in this permit as they are duplicative and could contradict other environmental regulations.

A Stormwater Management Program Plan (SWMP) and Stormwater Pollution Prevention Plan (SWPPP) for industrial activities and areas are already established. See Table 2 within comments.

Response #24

As stated in Part II.B.2 of the permit, "the BMP Plan may reference elements in other plans, permits, procedures and instructions." Thus, the BMP Plan requirements of the permit are not duplicative of requirements in other permits. See also response to comment #1, above. No change was made to the permit as a result of this comment.

Comment #25 (Navy)

Please include the following for this section: "Provisions herein should not be interpreted to require obligations or payments of funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341." The Navy will commit to complying with this permit with the funds and resources it is allocated.

Response #25

The permit cannot supersede the Anti-Deficiency Act, nor can it create a recordable financial obligation for the Permittee. There is no need to cite to the Act in the permit itself. No change was made to the permit as a result of this comment.

Comment #26 (Navy)

II.B.4: Elements of the BMP Plan: All of these requirements are already established in the SWMP or SWPPP. EPA specifically references BMP Guidance for Storm Water Management for Industrial Activities, which is incorporated into both plans.

Response #26

As stated in Part II.B.2 of the permit, "the BMP Plan may reference elements in other plans, permits, procedures and instructions." Thus, the BMP Plan requirements of the permit are not duplicative of requirements in other permits. See also response to comment #1, above. No change was made to the permit as a result of this comment.

Comment #27 (Navy)

B.4.b.i. Dry Dock Activities

a. The Dry dock must be cleaned.

i. at the end of each work shift

This condition implies that the drydock must be formally cleaned at the end of each shift.

When the drydock is drained and a vessel is in dock and undergoing maintenance, industrial activities are contained within a deep concrete basin. Hazardous Wastes are managed from the point of generation in accordance with WAC 173-303, and all process water and industrial stormwater is contained and routed to NBK Bangor's Industrial Wastewater Pretreatment Plant for pre-treatment and discharge to sanitary sewer in accordance with State Waste Discharge Permit ST-007363. Formal deep cleaning each shift is burdensome and not protective of the environment. This requirement is likely standard language used for drydock configurations that are not completely contained with process water and industrial stormwater pre-treatment established under a SWDP.

When a vessel is in dock and the drydock is drained, housekeeping cleaning takes place periodically throughout maintenance periods. However, thorough documented cleaning to the level required for drydock flooding is not feasible each shift during heavy industrial periods, in which activities are performed 24 hours/day. Because operations are contained and any liquid wastewaters are managed per SWDP ST-007363, there is minimal potential for pollutant release prior to dock flooding since all activities are contained and process water and industrial wastewater is routed to the IWPTP and treated in accordance with SWDP ST-007363.

Recommend deleting 4.b.i i. at the end of each work shift.

Response #27

EPA agrees that the requirement to clean the drydock at the end of each shift is not necessary. It has been deleted from the final permit.

Comment #28 (Navy)

B.4.b.i. Dry Dock Activities

a. The Dry dock must be cleaned.

iii. After a vessel has been removed from the dry dock and the dock has been deflooded for the repositioning of the keel and bilge blocks, the remaining areas of the dry dock floor which were previously inaccessible must be cleaned prior to the introduction of another vessel into the dock.

The NBK Bangor dry dock typically is used to service only Trident submarines. These vessels are all similar so there is typically no need to reposition keel and bilge blocks and leaving the blocks in place does not expose pollutants that would potentially be discharged through Outfall 002. The language in 4.b.iii above is likely standard language used in permits for drydocks that service a variety of vessels. Language clarification is necessary to ensure drydock specific operations are adequately captured without confusion.

Recommend language read:

iii. After a vessel has been removed from the dry dock and the dock has been deflooded if the keel and bilge blocks are repositioned, the remaining areas of the dry dock floor which were previously inaccessible must be cleaned prior to the introduction of another vessel into the dock.

Response #28

EPA agrees that keel and bilge blocks are not likely to be repositioned and has therefore made the requested language change to the permit.

Comment #29 (Navy)

II.B.b.iii and iv. In-Water Vessel Maintenance: When testing, maintenance, and repairs are performed by Ship's Force while the vessel is waterborne, the discharges are regulated under the Uniform National Discharge Standards (UNDS), implemented by DoDM 4715.06 Vol 4. UNDS regulates discharges incidental to the normal operation of Navy vessels and should not be part of this permit. Work above and beyond the capabilities of Ship's Force are regulated by NBK Bangor's MSGP and do not need to be included in this NPDES permit.

Response #29

EPA agrees that the requirements in Parts II.B.4.b.iii and iv of the draft permit address activities that are regulated under the Uniform National Discharge National Discharge Standards. These requirements have therefore been deleted from the final permit. EPA has also deleted the associated documentation requirements in Part II.B.4.b.vi of the permit.

Comment #30 (Navy)

II.B.4.b.ii.e "... The drydock shall be cleaned on a regular basis to minimize the possibility that stormwater runoff will carry sandblasting grit or other debris into the receiving water..."

This condition is standard language for permits for drydocks that do not have a process water and industrial stormwater pre-treatment system. Process water and stormwater from NBK Bangor's drydock is captured and treated in accordance with SWDP ST-007363, therefore this condition is burdensome and unnecessary as a much more effective engineering control is in place in lieu of this BMP.

Recommend deleting II.B.4.b.ii.e "... The drydock shall be cleaned on a regular basis to minimize the possibility that stormwater runoff will carry sandblasting grit or other debris into the receiving water..."

Response #30

EPA considers Part II.B.4.b.ii.e of the draft permit to be redundant given other BMP requirements for dry dock cleaning. Part II.B.4.b.ii.e of the draft permit has been deleted.

Comment #31 (Navy)

II.B.4.b.iii.a) please revise for clarity, suggest reorganizing so "following types of surface preparation activities" language occurs just before the bulleted list.

Response #31

This part of the draft permit has been removed. See response to comment #29, above.

Comment #32 (Navy)

II.B.4.iii.b)

II.B.4.b.iii. B

II.B.4.b.iv a) iv)

Regarding Innovative spray coating or innovative blasting methods and the 30 day requirement to notify EPA for innovative spray coating and abrasive blasting methods

II.B.4.iii.b) Define innovative spray painting or spray coating application methods requiring notification. Innovative blasting techniques are defined on pg. 11.

Spray coating operations on vessels require authorization from the Puget Sound Clean Air Agency through the clean air act new source review process. All NBK Bangor spray coating and dry abrasive blasting operations are conducted in accordance with PSCAA regulations or Notice of Construction permits that cover the specific process and controls necessary to protect human health and the environment. In order to employ a new dry abrasive blasting or spray painting method, NBK Bangor would be required to have permit/regulatory coverage by PSCAA.

Since PSCAA regulatory/permit coverage is already required for spray painting and dry abrasive blasting methods, additionally seeking EPA authorization is administratively burdensome and disincentivizes innovation. Recommend language read.

* EPA must be notified at least 30 days prior to use of an innovative spray painting or spray coating application method, unless the method is authorized by an enforceable regulatory permit issued by a federal, state, or local agency intended to ensure protection of human health and the environment. The conditions of the permit must ensure protection of the waters of the United States.

Response #32

The requirement to notify EPA 30 days prior to the use of an innovative spray painting or spray coating method has been deleted from the final permit along with the rest of Parts II.B.4.b.iii and iv of the draft permit. See response to comment #29, above.

Comment #33 (Navy)

Education of Employees, Contractors, and Customers

Please remove this BMP as existing regulatory framework already mandates training of employees and contractors. See the section in Table 2 below.

Response #33

Section 9.1.2.2 of the *U.S. EPA NPDES Permit Writers' Manual* lists employee training as one of the minimum suggested components of a BMP Plan. Section 2.3.2 of the *Guidance Manual for Developing Best Management Practices* (USEPA, 1993) states that "it is EPA's belief that all BMP plans should consist of six basic components," which include employee training as well as good housekeeping, preventative maintenance, inspections, security, and recordkeeping and reporting. Employee training is discussed in more detail in Section 2.3.2.5 of the *Guidance Manual for Developing Best Management Practices*. Since employee (and contractor) training is one of the minimum suggested components of a BMP plan, it has not been removed from the permit.

However, the word "customers" has been deleted as it is not relevant for Naval Base Kitsap Bangor, and the word "education" has been replaced with "training" for consistency with EPA BMP guidance documents and the narrative of permit Part II.B.4.x.

To the extent that other plans, permits, procedures and instructions address employee and contractor education, this may be incorporated in the BMP Plan for this permit by reference (see permit Part II.B.2).

Comment #34 (Navy)

II.B.4.v.d) The permittee must not mix paints and solvents on floats. Please change to "must not mix paints and solvents on floats to the greatest extent practicable, paints and solvents must be mixed inside a secondary containment." Some paints and other coatings require mixing immediately before application and would not be able to be mixed on shore and brought out to the platform.

Response #34

EPA has made the requested change. EPA agrees that this is necessary to allow for mixing of paints and coatings immediately before application.

Comment #35 (Navy)

II.C.2. Request extension of the deadline to implement changes to the BTA for the CWIS. The timelines included in the draft permit for compliance with the BTA requirements are not achievable for federal facilities, which operate under different fiscal models than privately owned facilities.

It will take time to establish necessary infrastructure to record and calculate intake velocities. A minimum of three years is requested to comply with the new provisions.

As a federal facility, funded through the federal budget by taxpayers, capital investment costs for modification of the cooling water intake and outlet structures, as well as operation and maintenance costs, are subject to federal and Department of Defense acquisition rules, regulations, and administrative requirements, including but not limited to the Federal Acquisition Regulations (FAR).

In making changes to capital infrastructure, or additional operation and maintenance necessary to comply with the requirements of the new permit, the Navy will be constrained to operate within federal and Department of Navy (DON) budgetary planning and acquisition requirements and timelines.

As stated in the comments above, the timelines proposed for implementation of BTAs does not account for fiscal timeline constraints that federal facilities are subject to. Please change the BTA implementation date and allow for a minimum of three years from permit effective date.

Response #35

As stated in 40 CFR 125.94(c)(3), in lieu of velocity monitoring at the screen face, permittees may calculate the through-screen velocity using water flow and the screen open area. Cooling water flow is already measured, and the velocity may be calculated from the flow rate. Thus, there is no need to allow additional time to record intake velocities.

Other requirements in Part II.C.2 of the permit are to maintain the current intake structure and, to the extent practicable, schedule regular maintenance shutdowns to coincide with periods of time when fish are more likely to be present near the intake structure. EPA believes compliance with these requirements is possible within 90 days.

Comment #36 (Navy)

4.b Inspection of Cooling water intake structure: Weekly inspection of the CWIS is not easily achieved, the structure is located 30 feet below MLLW, and is below the physical structure of Delta Pier. Inspection requires divers.

This appears to be standard NPDES language for commercial/industrial facilities or WWTP's and is not applicable for Outfall 001, which serves a more specialized function than many CWIS structures.

The vessels being serviced by the CWIS are important national security assets and are monitored and maintained by their crews to high technical standards. In practice, the vessels would note any impingement or entrainment that would cause significant changes in intake flow or water quality, and technical standards for onboard equipment do not tolerate significant amounts of foreign debris. Any significant issues with system flow would be noted by the vessels and investigated and resolved.

The requirement to perform a detailed weekly inspection with divers is burdensome and not value added for this application.

If the requirement must be maintained recommend that the requirement be established as quarterly vice weekly.

Response #36

As stated in 40 CFR 125.96(e), inspections may be conducted using remote monitoring devices. The Navy has stated that weekly inspections using remote monitoring devices are feasible. Part II.C.4 of the final permit has been edited to state that inspections may be conducted using remote monitoring devices.

Comment #37 (Navy)

4.b.ii. Please clarify or provide more guidance on how to measure water withdrawal rates?

Flow is already monitored with flowmeter, if requirement is maintained, flow would be more appropriate.

Response #37

The water withdrawal rate refers to the flow rate. To clarify this, the final permit has been edited to read, "Water withdrawal flow rate occurring at the time of the inspection."

Comment #38 (Navy)

D. Immediate Reporting criteria:

The scope of NPDES draft permit WA002557 is to regulate discharges from the NBK Bangor Delta Pier Drydock Non-contact cooling water (Outfall 001) and from the Drydock itself (Outfall 002). In the case of WA002557, the discharges from the two Outfalls being permitted Outfall 001 (Non-contact cooling water) and Outfall 002 (Drydock floodwater) consist of seawater, therefore this reporting criteria is confusing and not protective of the environment.

This language is standard language used by WADOE in WWTP NPDES permits, and is meant to ensure protection of aquatic resources from sanitary sewer or industrial wastewater releases.

The exact reporting language contained in D., is already contained in State Waste Discharge Permit ST-0007363 (exact same language) and the COMNAVREGNW Oil and Hazardous Substances Integrated Contingency Plan, COMNAVREGNWINST 5090.1. The language in D. is more appropriate to both of those documents and NBK Bangor is already complying with these regulatory reporting requirements for releases and reports installation and vessel releases consistent with the language in D. Immediate Reporting, as required by those two existing documents.

Including this language, which does not appear to fit the scope of WA002557, and is applicable to sanitary/industrial releases, but not applicable to non-contact cooling water or drydock floodwater (seawater) discharges, results in confusing redundant regulation.

Recommend deleting Section D., with the knowledge it is already covered by other enforceable facility governing permits and documents.

Response #38

The immediate reporting language was included at Ecology's request. However, EPA has deleted the clause requiring reporting of collection system overflows that discharge to fresh water bodies, since this is not relevant to the operations covered by this permit.

Comment #39 (Navy)

G.1.d. Please clarify, pollutants identified by what?

Response #39

This condition was intended to refer to a list of maximum daily limits for which violations must be reported within 24 hours. As stated in 40 CFR 122.44(g), this list shall include any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance. This permit does not have any maximum daily limits, nor does it have numeric limits of any sort for toxic pollutants or hazardous substances. Thus, this requirement is inapplicable to this permit and has been deleted.

Comment #40 (Navy)

G.1.e.: 24 Hour Notice of Noncompliance reporting

The scope of NPDES draft permit WA002557 is to regulate discharges from the NBK Bangor Delta Pier Drydock Non-contact cooling water (Outfall 1) and from the Drydock itself (Outfall 2). In the case of WA002557, the discharges from the two Outfalls being permitted Outfall 001 (Non-contact cooling water) and Outfall 002 (Drydock floodwater) consist of seawater, therefore this reporting criteria is confusing and not protective of the environment.

In G.1.e, the draft permit uses standard language for WWTP's which is confusing and not applicable to the scope of WA002557.

G.1.e.: 24 Hour Notice of Noncompliance reporting in this Section requires the following:

e. any overflow prior to the treatment works over which the permittee has ownership or has operational control. An overflow is any spill, release or diversion of municipal sewage including:

i. an overflow that results in a discharge to waters of the United States; and

ii. an overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a privately-owned sewer or building lateral) that does not reach waters of the United States.

Recommend deleting G.1.e.i. and ii, to avoid confusion and duplicate regulation. NBK Bangor is already reporting such releases as part of SWDP ST-007363 and the COMNAVREGNWINST 5090.1 Oil and Hazardous Substances Integrated Contingency Plan and this information is more appropriately regulated through those two plans.

Including the reporting criteria for releases of domestic and industrial wastewater in this NPDES permit for the Delta Dry Dock results in duplicative reporting requirements and duplicative regulation of the same noncompliance events. This could potentially result in multiple non-compliance citations for the same event. Please remove the reporting requirements in paragraph e, these events are already being reported.

Response #40

EPA agrees Part III.G.1.e of the draft permit, concerning overflows of municipal sewage, is inapplicable to this permit and has been deleted.

However, 40 CFR 122.41(l)(6)(i), which is a standard condition that must be incorporated into all NPDES permits either expressly or by reference, includes language concerning noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, which was not included in the draft permit. This language has been added to the final permit as Part III.G.2.e.

Comment #41 (Navy)

III.G.5

The scope of NPDES draft permit WA002557 is to regulate discharges from the NBK Bangor Delta Pier Drydock Non-contact cooling water (Outfall 001) and from the Drydock itself (Outfall 002). In the case of WA002557, the discharges from the two Outfalls being permitted Outfall 001 (Non-contact cooling

water) and Outfall 002 (Drydock floodwater) consist of seawater, therefore references to combined sanitary sewer overflows and sanitary sewer overflows are not within the scope of the permit.

NBK Bangor is already reporting such releases as part of SWDP ST-007363 and the COMNAVREGNWINST 5090.1 Oil and Hazardous Substances Integrated Contingency Plan.

Recommend deletion of references to combined and sanitary sewer events from G.5.

Response #41

This permit language implements 40 CFR 122.41(l)(6)(i). Conditions in 40 CFR 122.41 are applicable to all NPDES permits and shall be incorporated into NPDES permits either expressly or by reference. No changes were made to the permit as a result of this comment.

Comment #42 (Navy)

III.H. Other Noncompliance Reporting

The scope of NPDES draft permit WA002557 is to regulate discharges from the NBK Bangor Delta Pier Drydock Non-contact cooling water (Outfall 001) and from the Drydock itself (Outfall 002). In the case of WA002557, the discharges from the two Outfalls being permitted Outfall 001 (Non-contact cooling water) and Outfall 002 (Drydock floodwater) consist of seawater, therefore references to combined sanitary sewer overflows and sanitary sewer overflows are not within the scope of the permit.

NBK Bangor is already reporting such releases as part of SWDP ST-007363 and the COMNAVREGNWINST 5090.1 Oil and Hazardous Substances Integrated Contingency Plan.

Recommend deletion of references to combined and sanitary sewer events from H.

Response #42

This permit language implements 40 CFR 122.41(l)(7). Conditions in 40 CFR 122.41 are applicable to all NPDES permits and shall be incorporated into NPDES permits either expressly or by reference. No changes were made to the permit as a result of this comment.

Comment #43 (Navy)

IV. H. Toxic Pollutants

Recommend deletion of references to standards for sewage sludge use or disposal, not within the scope of WA002557.

-standard language for WWTP's not applicable to this permit, see earlier related comments.

Response #43

Part IV.H. of the draft permit implements 40 CFR 122.41(a)(1). Conditions in 40 CFR 122.41 are applicable to all NPDES permits and shall be incorporated into NPDES permits either expressly or by reference. No changes were made to the permit as a result of this comment.

Comment #44 (Navy)

IV.K Reopener

Recommend deletion of references to standards for sewage sludge use or disposal, not within the scope of WA002557.

-standard language for WWTP's not applicable to this permit, see earlier related comments.

Response #44

As stated in the response to comment #1, Part IV.K of the draft permit, regarding reopening the permit to include applicable standards for sewage sludge use or disposal, was included by mistake and has been removed from the final permit.

Comment #45 (Navy)

1st paragraph "...The draft permit places conditions on the discharge of pollutants from the wastewater treatment plant..."

Permit does not cover a WWTP discharge to WOTUS.

Recommend alternate language:

"...Non-contact cooling water and drydock floodwater..."

Response #45

EPA agrees that the permit does not cover a WWTP discharge to WOTUS. However, EPA Region 10 does not revise fact sheets issued with draft permits after the public comment period. Instead, EPA Region 10 corrects information and provides any additional explanation in the response to comments document.

Comment #46 (Navy)

Table 1: Change Facility Contact to Monika Glandorff and Rory Eisele

Response #46

At the time the draft permit was issued, Carol McKenzie was listed in the EPA's Integrated Compliance Information System (ICIS) database as the discharge monitoring report (DMR) cognizant official. The change in facility contacts is noted and has been reflected in ICIS. However, EPA Region 10 does not revise fact sheets issued with draft permits after the public comment period. Instead, EPA Region 10 corrects information and provides any additional explanation in the response to comments document.

Comment #48 (Navy)

V. Discharges Not covered by this Permit

Stormwater discharges from all areas of NBK Bangor are regulated by NBK's EPA NPDES Stormwater Multi-Sector General Permit (MSGP) for Industrial Activities (WAR05F004) or NBK's Municipal Separate Storm Sewer System (MS4) Permit (WAS026646). All stormwater discharges are from the facility are regulated by these permits, not just upland.

Recommend deleting the word "upland".

Response #48

The comment is noted, however, EPA Region 10 does not revise fact sheets issued with draft permits after the public comment period. Instead, EPA Region 10 corrects information and provides any additional explanation in the response to comments document.

Comment #49 (Navy)

Additional discharges not covered under this permit that are regulated in other facility permits should be mentioned and used as a basis to not include confusing or redundant requirements.

1. Stormwater discharges are also regulated by NBK's Municipal Separate Storm Sewer System (MS4) Permit (WAS026646). This includes all installation stormwater discharges, including the pier areas.

2. Industrial wastewater discharges to the sanitary sewer system which discharge to the Central Kitsap POTW are regulated by NBK Bangor's State Waste Discharge Permit (ST-007363). Wastewater release reporting requirements are included in this document, including combined and sanitary sewer system upsets, overflows, and release reporting.

3. COMNAVREGNWINST 5090.1, Commander Navy Region Northwest, Oil and Hazardous Substance Integrated Contingency Plan – document concurred in by the services regulates oil and hazardous substance discharges from the installation. Overarching guiding documents for OHS spills and releases. OHS release reporting requirements are included in this document.

4. Puget Sound Clean Air Agency (PSCAA) Regulations and Notice of Construction (NOC) permits. Clean Air Act new source review permits establish conditions to protect the environment from clean air act regulated processes such as spray painting and dry abrasive blasting.

Response #49

The fact sheet clearly states that these additional discharges are not covered by the permit. These additional activities and discharges are listed to provide context and help the reader understand which activities and discharges are and are not regulated under the permit.

Comment #50 (Navy)

e. Change the paragraph to conform to the draft permit requirements concerning ballast water: "Ballast water and sonar dome water shall not be discharged directly onto the floor of the drydock and then discharged directly to Hood Canal except during docking/undocking evolutions."

Response #50

The fact sheet language regarding ballast water and sonar dome water is somewhat inconsistent with the draft permit, however, EPA Region 10 does not revise fact sheets issued with draft permits after the public comment period. Instead, EPA Region 10 corrects information and provides any additional explanation in the response to comments document.

The draft permit does not address sonar dome water. Part I.B.9 of the final permit (renumbered from Part I.B.10 in the draft permit) has been edited to read, "Ballast water and sonar dome water shall not be discharged directly onto the floor of the drydock and then discharged directly to Hood Canal except during docking/undocking evolutions."

Comment #51 (Navy)

In Table 7 of the fact sheet, please indicate whether copper measurements are based on TDC or TRC.

Response #51

Table 7 of the fact sheet, which lists the effluent limitations and monitoring requirements proposed in the draft permit, states that the copper monitoring requirement is for total recoverable copper or TRC.

Comment #52 (Navy)

Requirement to sample for Ammonia

Table 7: Requirement to monitor for Ammonia is overly burdensome and not protective of the environment based on water quality data for Hood Canal. Ammonia is not a pollutant of concern for non-contact cooling water and there is no possibility of ammonia being introduced while operating the ASW system. Section III.B.1. (page 15) of the Fact sheet states: 'There are no known sources of nitrogen in the discharge, and the only form of nitrogen for which effluent data are available for this facility is ammonia. As shown in Table 2, the effluent concentration of ammonia is low, so ammonia monitoring should not be required. Thus, there is no reason to expect that nitrogen or oxygen demand in the discharges authorized by this permit will cause or contribute to violations of dissolved oxygen criteria. '

One sample value for Ammonia, taken in 2014, was included in the permit application submitted to EPA in 2015. The requirement to monitor for Ammonia appears to be based upon this one, old value, which does not represent current ambient Hood Canal Ammonia levels.

From the Fact Sheet (page 20), Section IV.A.2.3.c.: 'A reasonable potential calculation showed that the NBK Bangor discharge does not have the reasonable potential to cause or contribute to a violation of the water quality criteria for ammonia. Therefore, no effluent limits are proposed for ammonia.' This should be reason not to require monitoring of ammonia.

Response #52

See the response to comment #8.

Comment #53 (Navy)

Table 7: The requirement in the draft permit to monitor for pH is overly burdensome and not necessary. pH is not a pollutant of concern and there is data to suggest that discharges of non-contact cooling water wouldn't alter the pH of the intake water body.

From the Fact Sheet (page 21), Section IV.A.2.3.c: 'Only two effluent measurements are available for pH (Table 2). The lower of the two effluent pH values is below the lower bound of Washington's water quality criteria for pH, which is 7.0 to 8.5 s.u. WAC 173-201A-210(1)I. However, a discharge at the minimum observed effluent pH will not cause or contribute to excursions below the water quality criteria for pH at the edge of the mixing zone, so no effluent limits are proposed for pH.' This should suffice not to require pH monitoring.

Monitoring requires the reporting of minimum and maximum pH, however the sampling frequency is 1/quarter, meaning that there will only be one value per quarter, not a minimum or maximum?

Response #53

See the response to comment #10.

Comment #54 (Navy)

Table 7: If there will be a Temperature, influent gross monitoring requirement that will be reported in the DMR, recommend listing it as a monitoring requirement in Table 1.

Response #54

See the response to comment #6.

Comment #55 (Navy)

Table 7: The requirement to continuously monitor both the intake and effluent for dissolved oxygen is overly burdensome and not protective of the environment. Dissolved oxygen is not a pollutant of concern for non-contact cooling water.

Please define 'continuous'. Please clarify which parameters must be reported (Report average and minimum monthly or daily?). Section III.B.1. (Page 15) of the Fact sheet states: 'Dissolved Oxygen impairments in Puget Sound are caused primarily by nitrogen discharged by municipal wastewater treatment plants. There are no known sources of nitrogen in the discharge. Thus, there is no reason to expect that nitrogen or oxygen demand in the discharges authorized by this permit will cause or contribute to violations of dissolved oxygen criteria. The draft permit, however, proposes continuous monitoring of influent and effluent dissolved oxygen to determine if near-field DO concentrations are affected by discharges of relatively warm water.'

No supporting evidence that once-through cooling water would negatively impact the DO content of the receiving water.

If the requirement to monitor for DO is not eliminated, then we request to adjust the start date and to allow at least three years from permit effective date to implement continuous DO monitoring due to the length of time required for the federal funding cycles.

Response #55

See the response to comment #11.

Comment #56 (Navy)

IV.A.1.: Fact Sheet states 'Pollutants of concern are those that either have TBELs or may need WQBELs. EPA identifies pollutants of concern for the discharge based on those which:

- Have a TBEL

- Have an assigned wasteload allocation (WLA) from a TMDL

- Had an effluent limit in the previous permit

- Are present in the effluent monitoring. Monitoring data are reported in the application and DMR and any special studies

- Are expected to be in the discharge based on the nature of the discharge.'

However, based on the paragraph above and page 15, Section III.B.1: 'There are no known sources of Nitrogen in the discharge...Thus, there is no reason to expect that nitrogen or oxygen demand in the discharges authorized by this permit will cause or contribute to violations of dissolved oxygen criteria.'

Additionally, non-contact cooling water has no effect on the ambient pH levels of Hood Canal. Hence, there should be no requirement to monitor for pH.

Response #56

As explained on Pages 19-20 of the Fact Sheet, ammonia (which is a form of nitrogen) is a pollutant of concern because it is present in the discharge at a concentration higher than observed in the ambient water. The fact that the measured concentration of ammonia in the discharge from outfall 001 was not found to have the reasonable potential to cause or contribute to excursions above water quality standards for ammonia does not mean it is not a pollutant of concern.

As explained on Page 21 of the fact sheet, pH is a pollutant of concern because one of the two effluent pH values available was below the lower bound of Washington's water quality criteria for pH. The fact that the minimum observed effluent pH would not cause or contribute to a violation of pH criteria at the edge of the mixing zone does not mean it is not a pollutant of concern. See also the response to comment #10.

No change was made to the permit as a result of this comment, although monitoring requirements for pH were clarified in the final permit, as described in the response to comment #10.

Comment #57 (Navy)

Section IV.A.2.a. General: change 'Intermediate Maintenance Facility' to 'Trident Refit Facility'.

Response #57

The comment is noted, however, EPA Region 10 does not revise fact sheets issued with draft permits after the public comment period. Instead, EPA Region 10 corrects information and provides any additional explanation in the response to comments document.

Comment #58 (Navy)

Note previous comments – effluent monitoring for ammonia, pH, DO, and copper are unnecessary based upon reasonable potential analysis. The Navy requests that monitoring for these parameters be removed.

Response #58

Regarding ammonia, see the response to comment #8.

Regarding pH, see the response to comment #10

Regarding DO, see the response to comment #11.

Regarding copper, see the response to comment #9.

Comment #59 (Navy)

IV.B.2. Immediate Noncompliance Reporting: Note previous comments- the Ecology requested requirements for noncompliance reporting are already contained in the State Waste Discharge Permit, ST-0007363 and COMNAVREGNWINST 5090.1 Oil and Hazardous Substances Integrated Contingency Plan, and not pertain to this NPDES permit. Request these immediate reporting requirements be removed to avoid double regulation. Requiring the reporting non-compliance events for discharges

covered by this NPDES permit to Ecology, Kitsap County, WA Department of Shellfish and Kitsap Public Health District, is duplicative and unnecessary.

Response #59

See the response to comment #38.

Comment #60 (Navy)

Sediment Monitoring: Please provide additional rationale for requiring sediment monitoring if data for Hood Canal does not necessitate TMDL establishment. Requiring a sediment investigation in an NPDES permit is not an appropriate approach.

See previous related comments- sediment monitoring and clean-up of contaminated sites is managed through EPA's superfund program (CERCLA) https://www.epa.gov/superfund/how-superfund-cleans-sediment-sites and not CWA regulations and NPDES permits. This requirement should be removed as it is duplicative of the Navy's Remediation Program. Hood Canal Sediments are covered under the CERCLA Program under Operational Unit 7, Site 26. The Record of Decision for Operational Unit 7 was signed on April 3, 1996. As this site is already being monitored under CERCLA, the Navy believes the additional sediment sampling requested under the NPDES Permit is redundant and unnecessary.

Additionally, there is no reason to suspect that the pollutants contained in non-contact cooling water and dry dock dewatering water accumulate in the sediment of the receiving waters.

Section III.B.1 of the Fact Sheet states: there are listings for 15 parameters in sediment in Hood Canal, including copper, which is a pollutant of concern for this discharge. However, all of the sediment category 5 listings in Hood Canal are from grid cells adjacent to the former Pope and Talbot, Inc. Sawmill near Port Gamble. Sediment quality at that location would not be affected by the discharges authorized in this permit.

There are a total of 38 category 4B listings for 24 parameters in sediment in hood Canal. Waters in category 4B have one or more impaired or threatened beneficial uses, but a TMDL is not required because other pollution control requirements are expected to address the water quality impairments.' This should be sufficient justification to not require sediment monitoring. If this requirement is not removed, then it should be addressed through the appropriate regulatory program.

Response #60

See the response to comments #1 and #15.

Comment #61 (Navy)

Sediment Monitoring

-Note previous comment regarding appropriateness of establishing Sediment Monitoring in this NPDES permit.

As a federal facility, NBK Bangor is regulated by EPA for CWA NPDES permitting. Submission of plans and data to demonstrate compliance with the conditions of the permit is submitted to EPA.

It is burdensome and confusing to establish a requirement to coordinate with both EPA and the state WADOE separately to seek approval and submit data for compliance with conditions of this NPDES

permit. Recommend removal of the requirement for the Navy to additionally seek separate approval from WA Dept of Ecology for the Sediment Monitoring SAP and submit data to the state EIM. If state approval is appropriate, recommend the process of state review and approval of the SAP and submission of results be incorporated into the EPA's review, approval, and data collection vice the Navy as the permittee needing to obtain separate approvals and submit data to both agencies.

The sediment monitoring requirement will take time to plan, schedule and secure the funding. The Environmental review process, to include NEPA, potential permitting, and approval of the SAP will require time and be subject to funding availability. Based on these factors, five years from permit start date for submittal of the Sediment Monitoring Report is a more reasonable achievable timeline.

Response #61

See the response to comment #17.

Comment #62 (Navy)

Best Management Practices

-See earlier comments regarding the scope of the BMP plan should be limited to the two outfalls covered under the permit.

Many of the more specific BMP items listed in the draft were taken from standard language in other NPDES permits and are not applicable to the Bangor permit– see detailed comments regarding BMPs and how the IWPTP (see ST-007363) allows for protection of the Hood Canal by providing containment, collection, and treatment of liquid process wastewater and industrial stormwater while vessels are being maintained in the drydock and the drydock is drained.

Response #62

See previous responses to comments regarding BMPs, including the responses to comments #1, 21, 22, 23, 24, 26, 30, 31, and 33.

Comment #63 (Navy)

Section V.A. Quality Assurance Plan: Due to the volume and significance of changes in the draft permit, greater than 90 days from permit issuance is necessary and justified for development of a Quality Assurance Plan to ensure compliance with the many significant changes proposed in the draft permit.

A minimum of one year from the issue date would be a minimum reasonable submission date for the QAP due to the significance and volume of new permit requirements and monitoring proposed in the draft permit.

Response #63

See the response to comment #3.

Comment #64 (Navy)

Section V.B. Best Management Practices: Due to the volume and significance of changes in the draft permit, greater than 90 days from permit issuance is necessary and justified for development of a Best Management Practices Plan to ensure compliance with the many significant changes proposed in the draft permit.

A minimum of one year from the issue date would be a minimum reasonable submission date for the BMP due to the significance and volume of new permit requirements and monitoring proposed in the draft permit.

Response #64:

See the response to comment #4.

Comment #65 (Navy)

Section V.B. Best Management Practices: Navy requests the additional BMPs addressing chemical storage and mixing of paints and solvent be removed since those activities are already included in the MSGP, SPCC and Pollution Prevention Plans. See table 2 at the end of this document for a detailed explanation of existing BMPs.

Response #65

As stated in Part II.B.2 of the permit, the BMP Plan may reference elements in other plans, permits, procedures and instructions. As such, the BMP Plan requirements are not duplicative of other plans. No change was made to the permit as a result of this comment.

Comment #66 (Navy)

Fact Sheet section V.D. Standard Permit Conditions States "Sections III, IV, and V of the draft permit contain regulatory language that must be included in all NPDES permits."

Some of the standard language applied is standard language for Wastewater treatment plants treating sanitary wastes. Recommend standard language regarding sanitary and combined sewer requirements be removed from WA0025577.

Please provide the regulation that requires all standard language be included, for example G.1.e.ii (overflow prior to the treatment works) is not applicable to this NPDES permit.

Response #66

As stated in the response to comment #1, EPA agrees that certain requirements in the draft permit are standard conditions applicable to permits for publicly owned treatment works and were included in this permit by mistake. Specifically, the requirements of Part III.G.1.e of the draft permit, regarding reporting of municipal sewage overflows, and Part IV.K of the draft permit, regarding reopening the permit to include applicable standards for sewage sludge use or disposal, were included by mistake. These conditions have been removed from the final permit.

The main regulatory citations for standard conditions in NPDES permits are 40 CFR 122.41 and 122.42. 40 CFR 122.41 contains conditions that must be included in all permits either expressly or by reference. 40 CFR 122.42 contains conditions that apply to all permits in certain categories.

Although Parts III.G.5 and III.H of the permit mention sewer overflows, these parts are unchanged in the final permit because they are among the standard conditions that must be included in all permits, specifically 40 CFR 122.41(l)(6)(i) and 40 CFR 122.41(l)(7).

Comment and Response #67 (Navy)

The Navy provided a table of BMP provisions that the Navy stated were addressed by existing plans or permits. Table 1 reproduces the Navy's table and provides the EPA's responses.

Table 1: BMP Elements

NPDES Permit Part	NPDES Permit Part Title	Currently Covered By	Navy's Discussion/Recommendation	EPA's response
II.B.4.a.i	Statement of BMP Policy	SWPPP	Please remove as this is already included in the SWPPP and the SWMP.	*The statement of BMP policy is one of the minimum suggested components of a BMP Plan (see the U.S. EPA NPDES Permit Writers' Manual at Section 9.1.2.2). No change was made to the permit.*
II.B.4.a.ii	BMP Committee	SWPPP	We already have a Pollution Prevention Team specified in the SWPPP. This would be the same group of people. No additional BMPs are needed.	*Identification of a BMP committee is one of the minimum suggested components of a BMP Plan (see the U.S. EPA NPDES Permit Writers' Manual at Section 9.1.2.2). No change was made to the permit.*
II.B.4.a.iii	Description of potential pollutant sources.	SWPPP, SWMP SPCC, PSCAA OA, NAVBASEKITSAPINST 5090.4C, PSNS&IMFINST P5090.30	Already thoroughly covered in these documents. No additional BMPs are needed.	*A description of potential pollutant sources is part of risk identification and assessment, which is one of the minimum suggested components of a BMP Plan (see the U.S. EPA NPDES Permit Writers' Manual at Section 9.1.2.2). No change was made to the permit.*
II.B.4.a.iv	Risk identification and assessment.	EMS, SPCC, SWMP, OHSICP,	The EMS conforms to ISO 14001 standard, which mandates risk assessment and ranking. One of the foundations of this standard is that we do risk ranking. Risk is also accounted for in the SPCC Plan and OHSICP. No additional BMPs are needed.	*Risk identification and assessment is one of the minimum suggested components of a BMP Plan (see the U.S. EPA NPDES Permit Writers' Manual at Section 9.1.2.2). No change was made to the permit.*

NPDES Permit Part	NPDES Permit Part Title	Currently Covered By	Navy's Discussion/Recommendation	EPA's response
II.B.4.a.v	SOPs to achieve BMPs	Dry Dock Bill, SWPPP, SWMP, MS4 Permit, SPCC, PSCAA OA, OHSICP, Dry Dock Manual, SWDP, NAVBASEKITSAPINST 5090.4C, PSNS&IMFINST P5090.30, NAVBASEKITSAPINST 5090.3H, TRIDENT REFIT FACILITY BANGOR INSTRUCTION 4110.1A, NAVBASEKITSAPINST 5100.10A	All the SOPs currently exist in these documents to fully achieve the before listed objectives. No additional BMPs are needed.	*As stated in Part II.B.2 of the permit, "the BMP Plan may reference elements in other plans, permits, procedures and instructions." No change was made to the permit.*
II.B.4.a.vi.	Reporting of BMP Incidents	SWPPP, SWMP, MSGP, MS4, SWDP, OHSICP, SPCC, NAVBASEKITSAPINST 5090.4C	Thoroughly covered by these plans. No additional BMPs are needed.	*Reporting of BMP incidents is one of the minimum suggested components of a BMP Plan (see the U.S. EPA NPDES Permit Writers' Manual at Section 9.1.2.2). No change was made to the permit.*

NPDES Permit Part	NPDES Permit Part Title	Currently Covered By	Navy's Discussion/Recommendation	EPA's response
II.B.4.a.vii	Materials compatibility	HWMP, HAZCOM PROGRAM, TRF HAZCOM, SWPPP, OHSICP, EMS PROGRAM	These plans together with the authorized use list and the requirement to keep up to date SDSs for all hazardous materials, covers this BMP Component. No additional BMPs are needed.	*Materials compatibility is one of the minimum suggested components of a BMP Plan (see the U.S. EPA NPDES Permit Writers' Manual at Section 9.1.2.2). No change was made to the permit.*
II.B.4.a.viii	Good Housekeeping	SWPPP, SWMP, PSCAA OA, Dry Dock Bill, Dry Dock Manual, HAZCOM PROGRAM, TRF HAZCOM	Thoroughly covered in these plans and instructions. No additional BMPs are needed.	*Good housekeeping is one of the minimum suggested components of a BMP Plan (see the U.S. EPA NPDES Permit Writers' Manual at Section 9.1.2.2). No change was made to the permit.*
II.B.4.a. ix	Inspections	SWPPP, SWMP, SWDP, SPCC, NAVBASEKITSAP 5090.4C, EMS, Dry Dock Bill, Dry Dock Manual	Thoroughly covered by these plans. No additional BMPs are needed.	*Inspections are one of the minimum suggested components of a BMP Plan (see the U.S. EPA NPDES Permit Writers' Manual at Section 9.1.2.2). No change was made to the permit.*
II.B.4.a.x	Preventative Maintenance and repair	Dry Dock Manual, PSCAA OA, SWDP, MSGP, SWMP, SPCC, DOCKING BILL	Thoroughly covered by these plans. No additional BMPs are needed.	*Preventative maintenance is one of the minimum suggested components of a BMP Plan (see the U.S. EPA NPDES Permit Writers' Manual at Section 9.1.2.2). No change was made to the permit.*

NPDES Permit Part	NPDES Permit Part Title	Currently Covered By	Navy's Discussion/Recommendation	EPA's response
II.B.4.a.xi	Security	Naval Base Kitsap is a secure facility and only authorized personnel may enter.	The security instructions and procedures more than adequately cover this component. No additional BMPs are needed.	*Security is one of the minimum suggested components of a BMP Plan (see the U.S. EPA NPDES Permit Writers' Manual at Section 9.1.2.2). No change was made to the permit.*
II.B.4.a.xii	Employee training	Dry Dock Manual, SWPPP, SWMP, Dry Dock Bill, PSCAA OA, EMS, SPCC	Dry dock operators are trained on a continuing basis per the Dry Dock Manual and the Dry Dock Bill Instructions. The SWPPP includes a training requirement for SWPPP BMPs. SPCC requires training. PSCAA permits are used as training procedures for the equipment that they permit. EMS requires training on significant aspects. No further training is needed.	*See response to comment #33.*
II.B.4.a. xiii	Record Keeping and reporting	SWPPP, SWMP, Dry Dock Manual, Docking Bill, SWDP, EMS, MSGP, NAVBASEKITSAPINT 5090.6, NAVBASEKITSAPINT 5090.4C, OHSICP	These plans cover detailed reporting and recordkeeping. Any additional reporting and recordkeeping requirements are unnecessary.	*Section 2.3.2 of the Guidance Manual for Developing Best Management Practices (USEPA, 1993) states that "it is EPA's belief that all BMP plans should consist of six basic components," which include employee training as well as good housekeeping, preventative maintenance, inspections, security, and recordkeeping and reporting. No change was made to the permit.*

NPDES Permit Part	NPDES Permit Part Title	Currently Covered By	Navy's Discussion/Recommendation	EPA's response
II.B.4.b.i	Dry Dock Activities	Dry Dock Manual, Dry Dock Bill, SWDP, MSGP, SWPPP, SPCC	Thoroughly covered by these plans. No additional BMPs are needed.	*As described in the* Draft Development Document for Proposed Effluent Limitations Guidelines and Standards for the Shipbuilding and Repair Point Source Category *(USEPA, 1979), BMPs are necessary to control pollutant discharges from dry docks. As stated in Part II.B.2 of the permit, "the BMP Plan may reference elements in other plans, permits, procedures and instructions." Thus, the BMP Plan requirements of the permit are not duplicative of requirements in other permits. No change was made to the permit.*

II.B.4.b.1	Dry Dock Cleaning	Dry Dock Manual, Dry Dock Bill, SWPPP, SWMP	Requirement for daily cleaning at the end of each shift: This condition implies that the drydock must be formally cleaned at the end of each shift. When the drydock is drained and a vessel is in dock and undergoing maintenance, industrial activities are completely contained within a deep concrete basin. Hazardous Wastes are managed from the point of generation in accordance with WAC 173-303, and all process water and industrial stormwater is contained and routed to NBK Bangor's Industrial Wastewater Pretreatment Plant for pre-treatment and discharge to sanitary sewer in accordance with State Waste Discharge Permit ST-007363. Formal deep cleaning each shift is burdensome and not protective of the environment. This requirement is likely standard language used for drydock configurations that are not completely contained with process water and industrial stormwater treatment. When a vessel is in dock and the drydock is drained, housekeeping cleaning takes place periodically throughout maintenance period. However, thorough documented cleaning to the level required for drydock flooding is not feasible each shift during heavy industrial periods, in which activities are performed 24 hours/day. There is minimal potential for pollutant release prior to dock flooding since all activities are contained and process water and industrial wastewater is routed to the IWPTP and treated in accordance with SWDP ST-007363. Recommend deleting 4.b.i i. *at the end of each work shift.*	*See response to comment #27.*

NPDES Permit Part	NPDES Permit Part Title	Currently Covered By	Navy's Discussion/Recommendation	EPA's response
II.B.4.b.i	Dry Dock Cleaning	Dry Dock Bill Dry Dock Manual SWPPP SWMP	Requirement to clean the dry dock after a vessel has been removed from the dry dock and the dock has been deflooded for repositioning of the keel and bilge blocks The NBK Bangor dry dock typically is used to service only Trident submarines. These vessels are all similar so there is typically no need to reposition keel and bilge blocks and leaving the blocks in place does not expose pollutants that would potentially be discharged through Outfall 002. The language in 4.b.iii above is likely standard language used in permits for drydocks that service a variety of vessels. Language clarification is necessary to ensure drydock specific operations are adequately captured without confusion. Recommend language read: iii. *After a vessel has been removed from the dry dock and the dock has been deflooded if the keel and bilge blocks are repositioned, the remaining areas of the dry dock floor which were previously inaccessible must be cleaned prior to the introduction of another vessel into the dock.*	See response to comment #28.
II.B.4.b.ii	Control and Cleanup of Paint Dust and Abrasive Blasting Debris	PSCAA OA, Dry Dock Manual, SWPPP, Dry Dock Bill	Thoroughly covered by these plans. No additional BMPs are needed.	*Control and cleanup of spent paint and abrasive is one of the BMPs to be included in NPDES permits for shipyards in the* Draft Development Document for Proposed Effluent Limitations Guidelines and Standards for the Shipbuilding and Repair Point Source Category *(USEPA, 1979). No change was made to the permit.*

NPDES Permit Part	NPDES Permit Part Title	Currently Covered By	Navy's Discussion/Recommendation	EPA's response
II.B.4.b.iii	In-Water Vessel Maintenance-Surface Preparation BMPs	PSCAA OA, MSGP, SWPPP, SWMP, SPCC	This BMP should be removed from this NPDES Permit because it does not speak to the ASW process or the flooding and dewatering processes at the dry dock.	*See response to comment #29.*
II.B.4.b.iv	In-water vessel Maintenance-Paint and coating Application BMPs	PSCAA OA, MSGP, SWPPP, SWMP, SPCC	This BMP should be removed from this NPDES Permit because it does not speak to the ASW process or the flooding and dewatering processes at the dry dock.	*See response to comment #29.*
II.B.4.b.v.	BMPs for Floats used for In-Water Vessel Maintenance	PSCAA OA, MSGP, SWPPP, SWMP, SPCC	This BMP should be removed from this NPDES Permit because it does not speak to the ASW process or the flooding and dewatering processes at the dry dock.	*These BMPs address prevention and control of spills, which is among the BMPs to be included in NPDES permits for shipyards in the* Draft Development Document for Proposed Effluent Limitations Guidelines and Standards for the Shipbuilding and Repair Point Source Category *(USEPA, 1979). No change was made to the permit.*
II.B.4.b.vi	Documentation Requirements for in-Water Vessel Maintenance BMPs	PSCAA OA, MSGP, SWPPP, SWMP, SPCC	This BMP should be removed from this NPDES Permit because it does not speak to the ASW process or the flooding and dewatering processes at the dry dock.	*See response to comment #29.*
II.B.4.b.vii	Contact between water and debris in cooling and non-contact cooling water	Dry Dock Manual, Dry Dock Bill, SWDP	There is no contact between cooling water and any kind of debris. All the cooling water is non-contact cooling water. Remove this BMP from the permit.	*Segregation of debris from discharge water is among the BMPs to be included in NPDES permits for shipyards in the* Draft Development Document for Proposed Effluent Limitations Guidelines and Standards for the Shipbuilding and Repair Point Source Category *(USEPA, 1979). No change was made to the permit.*

NPDES Permit Part	NPDES Permit Part Title	Currently Covered By	Navy's Discussion/Recommendation	EPA's response
II.B.4.b.viii	Maintenance of Hoses, Soil Chutes, and Piping	Dry Dock Manual, Dry Dock Bill, SWDP, OHSICP, SPCC, SWPP	This BMP should be removed from this NPDES Permit because it does not speak to the ASW process or the flooding and dewatering processes at the dry dock Thoroughly covered by existing plans and instructions. No additional BMPs are needed.	*Maintenance of Hoses, Soil Chutes, and Piping is among the BMPs to be included in NPDES permits for shipyards in the* Draft Development Document for Proposed Effluent Limitations Guidelines and Standards for the Shipbuilding and Repair Point Source Category *(USEPA, 1979). No change was made to the permit.*
II.B.4.b.ix	Recycling of Spilled chemicals and Rinse Water	HWMP	This BMP should be removed from this NPDES Permit because it does not speak to the ASW process or the flooding and dewatering processes at the dry dock Thoroughly covered by existing plans and instructions. No additional BMPs are needed.	*Control of spills is among the BMPs to be included in NPDES permits for shipyards in the* Draft Development Document for Proposed Effluent Limitations Guidelines and Standards for the Shipbuilding and Repair Point Source Category *(USEPA, 1979). No change was made to the permit.*
II.B.4.b.x	Education of Employees, Contractors, and Customers	EMS, SWPPP, SWMP, MS4, MSGP, SPCC, Dry Dock Manual, Dry Dock Bill	Thoroughly covered by existing plans and instructions. No additional BMPs are needed.	*See response to comment #33.*
II.B.4.b.xi	Chemical Storage	Dry Dock Manual, Dry Dock Bill, SWDP, MSGP, SWMP, SWPPP, SPCC , OHSICP	This BMP should be removed from this NPDES Permit because it does not speak to the ASW process or the flooding and dewatering processes at the dry dock Thoroughly covered by existing plans and instructions. No additional BMPs are needed.	*EPA believes safe chemical storage is essential to controlling and abating potential pollutant discharges from the facility. See the* Guidance Manual for Developing Best Management Practices *(USEPA, 1993) at Section 2.2.1. As stated in Part II.B.2 of the permit, "the BMP Plan may reference elements in other plans, permits, procedures and instructions." Thus, the BMP Plan requirements of the permit are not duplicative of requirements in other permits. No change was made to the permit.*

Comment #68 (PGST)

Clean Water Act Section 402(o) prohibits backsliding, or reissuing a permit with effluent limitations that are less stringent than comparable effluent limitations in the previous permit, subject to certain exceptions. 33 U.S.C. § 1342(); see also 40 CFR § 122.44(l)(1). One such exception is "information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance." Id.§ 1342(o)(2)(B).

Since its currently effective permit was issued, Naval Base Kitsap Bangor has consistently violated its 19°C 7-day average of the daily maximum effluent temperature limit: "The facility violated the 7-day average of the daily maximum (7-DADMax) temperature limits 27 times between September 2010 and September 2021." Fact Sheet at 13. This leaves out violations in June, July, and September of 2022.

Effluent temperature limits exist for a reason. Hot effluent can harm or kill marine life, including species that are important to Tribal members like salmonids, shellfish, and forage fish; it can increase the risk of Vibriosis and other forms of illness transmitted by shellfish. Significantly, high temperatures can exacerbate existing problems with dissolved oxygen (numerous segments of Hood Canal adjacent to and in the vicinity of Naval Base Kitsap Bangor and the discharge location are designated as impaired category 5 waters for dissolved oxygen and require a TMDL or other pollution control mechanism). See Fact Sheet at 23 ("water has less capacity for dissolved oxygen at the higher temperatures expected in the cooling water discharge").

Instead of addressing these violations, the draft permit proposes to achieve compliance by easing the permitted limit: the draft permit would recalculate the temperature effluent limit as a net effluent limit, i.e., difference between the intake and effluent temperature, as opposed to a gross effluent temperature limit, between May and September. Fact Sheet at 18. The Fact Sheet states:

> This will ensure that the Navy will be able to comply with the limits even if ambient temperatures in Hood Canal increase due to climate change or other nonpoint heat sources, while still ensuring that the temperature increase at the edge of the mixing zone is de minimis. Based on the May – September maximum 7-DADMax intake temperature in Table 3, the proposed net effluent limit of 5.9 °C would allow 7-DADMax effluent temperatures between 17.44 and 25.47 °C.

Fact Sheet at 18. The Fact Sheet further states: "EPA believes the primary reason the technology-based temperature limit that was established in the prior permit was not achievable was that it was based on year-round data." Fact Sheet at 18.

Later, the Fact Sheet recognizes the draft permit allows backsliding but purports to justify its proposal as follows:

> The applicable cause for allowing for a less stringent limit than the previous permit for the summer temperature limits in this permit is that EPA has received new information (CW A §402(o)(2)(B)(i); see also 40 CFR 122.62(a)(2)). The technology-based temperature limit in the prior permit was based on only 134 temperature results; see the fact sheet dated October 23, 2009 at Page 27. In recalculating the temperature effluent limits, EPA has used 1,032 7-DADMax differences between the intake and effluent temperature, which were calculated from 325,015

> individual intake and effluent temperature measurements taken between May 2013 and September 2021. EPA considers this much more robust data set to be new information that was not available at the time the prior permit was issued.
>
> Because the circumstances on which the previous permit was based have materially and substantially changed since the time the previous permit was issued and would constitute cause for permit modification under 40 CFR 122.62, EPA may revise the temperature limits to be less stringent than the previous permit.

Fact Sheet at 22.

The Tribe disagrees with this purported justification. First, the previous permit's Fact Sheet explains the temperature limit of l 9°C was set above the maximum daily effluent temperature in the summer months, already accounting for this issue. See October 23, 2009 Fact Sheet at 9 (maximum daily value of 13.9°C in winter months and 18.3°C in summer months), 27-29.[1] The claim that the current limit was based on year-round data is irrelevant or misleading. If anything, the data supports a more stringent limit for the winter months. The Fact Sheet does not provide any explanation for how the information has changed to support the weakened limitation; more data showing the same results is not materially or substantially changed circumstances required to allow backsliding. See Fact Sheet at 22 (citing 40 C.F.R. § 122.44(1)(1) and 40 C.F.R. § 122.62(a)(2)). Additionally, there is no support for the idea that the information now claimed as new could not have been obtained at the time of the previous permit's issuance or would have justified a less stringent limit at that time. While ensuring permit compliance is an important goal, that cannot be the justification for reducing the stringency of a permit condition. Taken to the extreme, this would defeat the purpose of the Clean Water Act and Washington's Water Pollution Control Act.

> The Fact sheet states:
>
> As explained on Page 12 of the fact sheet for the revised draft permit, dated October 23, 2009, "AKART [all known available and reasonable method of prevention, control and treatment] and Best Available Technology economically achievable (BAT) is minimizing the thermal load to Hood Canal at the existing performance .... "Therefore, in the prior permit, EPA established a performance-based effluent limit of 19 °C.

Fact Sheet at 17, 48. That limit is based on analysis submitted in August 2009. See October 23, 2009 Fact Sheet at 12, 21-26. Without any elaboration, the Fact Sheet continues "Minimizing the thermal load to Hood Canal at the existing performance continues to be AKART and BAT for this facility." Fact Sheet at 48. Under WAC l 73-201A-400, AKART must be determined and fully applied before a mixing zone, which the permit proposes to utilize, can be granted. This must be completed independent of anti-backsliding requirements. The Fact Sheet has not presented the results of an AKART and BAT analysis, and it proposes a less stringent limitation than that the analysis thirteen years ago concluded was technically

[1] In the visual plumes modeling for the previous permit, the Fact Sheet explains: "The analysis conservatively used the dataset from July 2005 to represent the critical ambient conditions. The July 2005 dataset displayed the warmest ambient water temperatures of any other set in recorded history for this particular station. Ambient velocity was chosen for the critical summer period. Conservative assumptions provide greater assurance the discharge will comply with water quality standards at all times." October 23, 2009 Fact Sheet at 32.

and economically feasible. This is insufficient. The U.S. Navy is well positioned to get funding and technology that could allow cooling of its effluent prior to discharge.

EPA should revise the permit to assure that effluent temperature limits that are based on AKART and BAT and do not violate the anti-backsliding requirements of the Clean Water Act, nor exacerbate already degraded waters.

Response #68

As explained in the fact sheet at Pages 21 and 22, the summer temperature limits may be made less stringent than those in the prior permit because the circumstances on which the previous permit was based have materially and substantially changed since the time the permit was issued and would constitute cause for permit modification or revocation and reissuance under 40 CFR 122.62. Specifically, EPA has new information which was not available at the time the prior permit was issued (see 40 CFR 122.62(a)(2)).

The commenter states that the previous permit's Fact Sheet explains the temperature limit of 19°C was set above the maximum daily effluent temperature in the summer months, already accounting for the issue of seasonal variability and that the claim that the current limit was based on year-round data is irrelevant or misleading. The commenter references the October 23, 2009 Fact Sheet at Page 9 (maximum daily value of 13.9°C in winter months and 18.3°C in summer months). EPA does not dispute the summary statistics for effluent temperature reported in the October 23, 2009 fact sheet. The August 2009 *All Known Available and Reasonable Methods of Treatment Study: Non-Contact Cooling Water* (NAVFAC, 2009) (AKART study) states that the 138 available temperature results were derived from the ASW pumping station influent and effluent weekly records collected between January 2005 and February 2008. The October 2009 fact sheet states, in Table 1 on Page 9, that there were 70 temperature measurements in the winter and 68 in the summer. The fact that the number of temperature measurements was roughly equal for both the winter and summer, shows that a year-round data set was used to establish the effluent limit in the previous permit.

As explained in the 2023 fact sheet, the revised performance-based limits for May – September were based on 1,032 7-DADMax differences between the intake and effluent temperature, which were calculated from 325,015 individual intake and effluent temperature measurements taken at 5-minute intervals between May 2013 and September 2021. The much more frequent and extensive monitoring conducted under the terms of the 2010 permit better characterizes the variability of the effluent temperature than the 138 results from weekly sampling that were available in 2009.

The commenter states that there is no support for the idea that the information now claimed as new could not have been obtained at the time of the previous permit's issuance. The new information consists of temperature effluent data collected over the term of the previous permit, in compliance with monitoring requirements specifying that temperatures be collected with a sampling interval of one half hour. The previous permit allowed for more frequent monitoring than required (see the 2010 permit at Part III.D). The Navy submitted intake and effluent temperature data to EPA that used a five-minute sampling interval. See the Fact Sheet at p. 48. These data were collected during the term of the 2010 permit and were therefore not available at the time of the previous permit issuance. These data are therefore new information that EPA subsequently relied upon to establish the effluent limits in the reissued permit.

The commenter states that there is no support for the idea that more robust temperature data set would have justified a less stringent limit at the time the prior permit was issued. It is likely that more robust temperature data set would have justified a less stringent limit, even if the performance-based limit calculation had been done on a year-round basis. Similar to the reissued permit, the prior permit used a performance-based calculation to calculate the 19 °C temperature limit. See the October 2009 Fact Sheet at p. 27 and Table 12. Note that the performance-based limit calculation in the October 2009 fact sheet used temperatures measured in Fahrenheit; the calculated performance-based maximum daily effluent limit was converted from Fahrenheit to Celsius as a final step. EPA repeated this calculation using Celsius 7-DADMax year-round effluent temperatures calculated from continuous monitoring data collected between January 2012 and September 2021. Results are summarized in Table 2. The performance-based maximum daily limit calculated using this larger, more recent data set is 23 °C, or 4 °C higher than that calculated in the October 2009 fact sheet.

Table 2: Year-Round Performance-based 7-DADMax Temperature Effluent Limits (°C)

Performance-based Effluent Limits

INPUT	
LogNormal Transformed Mean:	2.7445
LogNormal Transformed Variance:	0.0285
Number of Samples per month for compliance monitoring:	30
Autocorrelation factor (n_e) (use 0 if unknown):	0
OUTPUT	
E(X) =	15.7810
V(X) =	7.211
VARn	0.0010
MEANn=	2.7583
VAR(Xn)=	0.240
RESULTS	
7-DADMax Effluent Limit	**23.0**

The commenter states that the data supports a more stringent limit for the winter months. As shown in the fact sheet at Table 13, the 19 °C October – April temperature limit will ensure compliance with water quality criteria at the edge of the mixing zone during that season, and results in a temperature increase of only 0.028 °C at the edge of the mixing zone. As shown in Table 2, a year-round performance-based temperature limit based on recent, continuous monitoring data would be less stringent than the 19 °C October – April temperature limit. As shown in Table 2 of the 2023 fact sheet, maximum reported 7-DADMax temperatures in April and October are 19.2 °C and 19 °C, respectively, thus existing performance is consistent with the existing limit during the warmest months of that season. Thus, EPA believes it is appropriate to retain the 19 °C 7-DADMax temperature limit from the prior permit from October – April.

EPA has reviewed the August 2009 AKART study. As explained below, EPA believes its findings are still valid. The August 2009 AKART study evaluated cooling water disposal practices at six shipyard facilities

in addition to Naval Base Kitsap Bangor: Cascade General Portland Shipyard (NPDES permit #OR0022942), Electric Boat Shipyard (CT0003824), National Steel and Shipbuilding Company (CA0109134), Todd Pacific Shipyards Corporation (WA0002615), Portsmouth Naval Shipyard (ME0000868), and Pearl Harbor Naval Shipyard and Intermediate Maintenance Facility (HI0110230). At the time the AKART analysis was prepared, all six of these facilities discharged non-contact cooling water to surface water without treatment or diversion to a sanitary sewer.

EPA looked up the NPDES permits for the facilities evaluated in the August 2009 AKART study, and if there were more recent permits than those used in the August 2009 AKART study, EPA reviewed the most recent permits and fact sheets to determine if there were any changes in the disposal or treatment practices for non-contact cooling water.

The Electric Boat Shipyard permit has not been reissued since the AKART study was completed.

The Cascade General Portland Shipyard permit (AKA Vigor Industrial) was reissued in June 2011. According to the fact sheet, at that time, this facility sent most of the dry dock cooling water to the city's sanitary sewer because the volumes were very small. This was the only permit for which cooling water disposal practices appeared to have changed relative to those described in the 2009 AKART analysis.

The Pearl Harbor Naval Shipyard permit was last reissued in December 2012. Nothing in the fact sheet or permit indicates that non-contact cooling water is treated prior to discharge.

The NASSCO permit was last reissued in December 2016. Nothing in the fact sheet or permit indicates that non-contact cooling water is treated prior to discharge.

The Portsmouth Naval Shipyard permit was reissued in May 2022. Nothing in the fact sheet or permit indicates that non-contact cooling water is treated prior to discharge.

The Todd Pacific Shipyards permit was last reissued in December 2023. Nothing in the fact sheet or permit indicates that non-contact shipboard cooling water is treated prior to discharge.

Thus, discharging non-contact cooling water without treatment remains consistent with industry practice, although small volumes of cooling water can be disposed of through the sanitary sewer.

The AKART study also evaluated two potential treatment options: evaporative cooling towers and chillers. Evaporative cooling towers were found to be impracticable because the mineral and salt content in the marine water used for cooling at NBK Bangor would rapidly deposit onto the cooling tower packings and render the cooling tower ineffective. Evaporative cooling using a closed-loop system filled with freshwater was also found to be impracticable because of the need to clean sea growth which would die and slough off when subjected to freshwater, which would generate a new waste stream and cause schedule impacts. The fresh cooling water itself would create an additional new waste stream, since it can only be used for a limited amount of time, and it must be treated to minimize scaling and to prevent disease transmission. Humidity produced from cooling towers could also interfere with vessel painting. Chillers were found to be impracticable because they would take up a large amount of space, have high capital and operating costs, and would consume about 700 kilowatts of energy, or 504,000 kilowatt-hours per month. The average residential utility customer in the United States uses 886 kilowatt-hours per month, thus a chiller for outfall 001 would use enough electricity to power about 569 average U.S. homes (USEIA, 2022).

The AKART study thus concluded that NBK Bangor's current practice of discharging non-contact cooling water without treatment is AKART. A review of reissued NPDES permits for the similar facilities used in the August 2009 AKART study showed that most facilities are still discharging non-contact cooling water without treatment, although one facility has been sending non-contact cooling water to the sanitary sewer because the volumes of cooling water are small. EPA is not aware of any new thermal treatment technologies that would be applicable to the cooling water discharge. Thus, EPA believes that the August 2009 AKART study's finding that discharging non-contact cooling water to Hood Canal without treatment is AKART, remains valid.

The commenter's footnote describes ambient data used for dilution modeling of the discharge, as described in Pages 31-32 of the October 2009 fact sheet. These data are not a factor in the calculation of the effluent temperature limits in the 2010 or 2023 permits, because, in both cases, the temperature limits are technology-based limits that are based solely on effluent performance. The water quality-based analysis of temperature, which includes dilution modeling, verifies that the technology-based effluent limits are protective of the receiving water, but does not establish the temperature effluent limits in this case.

Comment #69 (PGST)

Both Washington and EPA have recognized the danger from PFAS and the need for action to address PFAS contamination. Washington State Department of Ecology (Ecology) has recognized that "PFAS have been detected in Washington[] surface waters, groundwater, wastewater treatment plant (WWTP) effluent, freshwater and marine sediments, freshwater and marine fish tissue, and osprey eggs. Any toxic or other hazardous effects of these chemicals will be with us for many decades." Per- and Polyfluoroalkyl Substances Chemical Action Plan, Hazardous Waste and Toxics Reduction Program, Wash. State Dept. of Ecology, Publication 21- 04-048, at 12 (Sept. 2022), https://apps.ecology.wa.gov/publications/documents/2104048.pdf.

Bioaccumulation of PFAS has been confirmed in marine and terrestrial species, zooplankton and other invertebrates, and fish. Id. at 13. PFAS exposure in humans can occur through consuming contaminating water or food. PF AS have shown harmful effects to wildlife and to people. Id. See also Environmental Working Group, Eating One Freshwater Fish Equals A Month Of Drinking 'Forever Chemicals' Water, ScienceBlog (Jan. 17, 2023), https://scienceblog.com/536016/eating-one-freshwater-fish-equals-a-month-of-drinkingforeverchemicals-water/ ; Nicole Ogrysko, New Research Shows Dangers of Consuming Freshwater Fish Laced with PFAS, Maine Public (Jan. 24, 2023), https://www.mainepublic.org/environment-and-outdoors/2023-01-24/new-research-shows-dangers-of-consuming-freshwater-fish-laced-with-pfas .

While specific effluent limitations and monitoring requirements have not been promulgated, Ecology has issued numerous recommended actions including managing environmental PFAS contamination by establishing PFAS cleanup levels for soil and groundwater and working to prevent PF AS releases from firefighting foam use and manufacturing. PF AS Chemical Action Plan at 56-64.

Similarly, EPA has issued guidance to states providing direction on addressing PFAS discharges in NPDES permits, recommending effluent and wastewater residuals monitoring and best management practices for discharges of PF AS for industrial categories known or suspected to discharge PFAS. Radhika Fox, Assistant Administrator to EPA Regional Water Division Directors, Regions 1-10, Addressing PFAS

Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs (Dec. 5, 2022), https://www.epa.gov/system/files/documents/2022-12/NPDES_PFAS_State%20Memo_December_2022.pdf .

In particular, EPA "recommends that monitoring include each of the 40 PFAS parameters detectable by draft method 1633 and be conducted at least quarterly to ensure that there are adequate data to assess the presence and concentration of PFAS in discharges." Id. at 2. EPA also explained that site-specific technology-based effluent limits for PFAS discharges developed on a best professional judgment basis may be appropriate for facilities for which there are no applicable effluent guidelines. Id.

The Navy's extensive use of firefighting foam makes its facilities categories known or suspected to discharge PFAS. See Naval Base Kitsap Bangor Silverdale, Washington, PFAS Drinking Water Investigation Fact Sheet Summary of Results and Path Forward (Jan. 2020), https://pacific.navfac.navy.mil/Portals/72/Northwest/Documents/Bangor_PFAS_FactSheet_20210518_screenview.pdf ("PFAS may be present in the soil and/or groundwater at NBK Bangor (Figure 1) as a result of historical uses of [aqueous film-forming foam]."); Josh Farley, Well Near Bangor Found to Have Potentially Dangerous Levels of Contamination, Kitsap Sun (March 11, 2020), https://www.kitsapsun.com/story/news/2020/03/10/well-near-bangor-found-have-potentially-dangerous-levels-contamination/5011073002/; The PFAS Project Lab, Whidbey Island, Washington, https://pfasproject.com/whidbey-island-washington/. Moreover, the activities that occur at the Intermediate Maintenance Facility at NBK Bangor may lead to additional PFAS discharge through the cooling water or floodwater.

NPDES permits such as this one must ensure that pollutants are removed from wastewater discharged directly to rivers or the environment as needed to protect our waters and public health. Consistent with the Clean Water Act requirements, Ecology's PFAS Chemical Action Plan, and EPA's Guidance, EPA should require PFAS monitoring and if any PFAS is detected, add best management practices immediately.

Response #69

As explained in the fact sheet at Page 10, the discharge of dry dock floodwater occurs via the caisson, which is the large gate that encloses the dry dock. As such, chemical-specific monitoring of the dry dock floodwater is not feasible. The permit requires visual monitoring of the dry dock floodwater discharge and monitoring of marine sediment.

However, EPA agrees with the commenter that the BMP Plan should include specific provisions to control or abate the discharge of PFAS chemicals from dry dock operations (40 CFR 122.44(k)). BMPs to control or abate the discharge of PFAS from dry dock operations have been added to the final permit and appear in Parts II.B.4.b.i.g – i.

PFAS are not a pollutant of concern for the cooling water discharge from outfall 001. Thus, no limits, BMPs, or monitoring requirements are necessary for PFAS for outfall 001.

Comment #70 (PGST)

Reopener Provision

Section IV.K. of the draft permit states:

> This permit may be reopened to include any applicable standard for sewage sludge use or disposal promulgated under CW A § 405(d). The Director may modify or revoke and reissue the permit if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

Draft Permit at 25.

Section V.A. states "This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR 122.62, 122.63, 122.64, or 124.5." Draft Permit at 25.

EPA is required to institute proceedings to modify or revoke and reissue a permit to conform to any more stringent toxic effluent standard or prohibition. See, e.g., 40 C.F.R. § 122.62(a)(6). Federal regulations explain:

> If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under section 307(a) of CWA for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in the permit, *the Director shall institute proceedings* under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition."

40 C.F.R. § 122.44(b)(l) (emphasis added).

Important Washington water quality standards are currently in the process of being revised and will be completed early in the five-year life of the proposed permit, but the proposed reopener language does not assure the public that EPA will update the permit to reflect the more stringent criteria likely to be promulgated. Multiple toxic standards are likely to be updated for Washington waters, including Hood Canal, in the very near future. "Copper and compounds," for example, are on the list of toxic pollutants designated pursuant to section 307(a)(1) of the Clean Water Act at 40 C.F.R. § 401.15. Copper is not only a pollutant of concern to this permit and one for which Hood Canal already has nearby sediment listings, but it is also one of the aquatic life criteria anticipated to be revised by Ecology soon.[2] 3 Therefore, this is a parameter for which EPA will likely need to reopen the NPDES permit prior to its expiration to comply with federal regulation and to protect Hood Canal from toxic pollutants.

Finally, as explained above, Washington and EPA are well into the process of implementing requirements to protect human health and the environment from the harmful effects of PFAS. While requirements should be incorporated into the permit regarding PFAS as discussed above, in any event, the permit will likely need to be reopened as federal and state monitoring and limitations change in the near future.

For this permitted discharge to comply with the Clean Water Act and Washington state law, EPA should include a broader reopener clause that mandates the reopening of the NPDES permit to conform: 1) to the state or federal promulgation of a new Human Health Criteria and Water Quality Standard for any

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[2] Wash. Dept of Ecology Preproposal Statement of Inquiry (June 22, 2022); available at https://ecology.wa.gov/DOE/files/ad/ad55ad81-0ae6-49f8-8be9-abe698752adf.pdf; Nw. Env 't Advocs. v. United States Env 't Prot. Agency, No. C20- 1362 MJP, 2021 WL 6134785 (W.D. Wash. Dec. 29, 2021) (describing EPA failure to act on aquatic life criteria petition including copper).

parameter, 2) to the development of a new relevant Total Maximum Daily Load and its attendant new Waste Load Allocation, and 3) to the state or federal promulgation of a new Aquatic Life Criteria for toxics. This type of permit language would be consistent with that recently used by Ecology in response to similar concerns raised regarding imminent updates to water quality standards that could affect toxic discharges into the Spokane River.[3] Alternatively, at the very least, EPA should recognize that the permit will be reevaluated if relevant standards change.

Response #70

As stated in the response to comment #1, Part IV.K of the draft permit, regarding reopening the permit to include applicable standards for sewage sludge use or disposal, was included by mistake and has been removed from the final permit.

Part V.A. of the permit implements 40 CFR 122.41(f), which is a standard condition that must be included in all NPDES permits. 40 CFR 122.41(f) reads, "This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition." Part V.A of the permit elaborates on the first sentence of this standard condition by referencing the regulations governing modification, revocation and reissuance, and termination of NPDES permits. As stated in 40 CFR 124.5(a), NPDES permits may only be modified, revoked and reissued, or terminated for the reasons specified in § 122.62 or § 122.64.

The commenter cites 40 CFR 122.62(a)(6), which states that a permit may be modified "When required to incorporate an applicable 307(a) toxic effluent standard or prohibition (see § 122.44(b))." As noted by the commenter, 40 CFR 122.44(b) states that EPA shall modify or revoke and reissue permits to conform to more stringent toxic effluent standards or prohibitions promulgated under Section 307(a) of the Clean Water Act.

However, the anticipated water quality standards revisions referenced by the commenter are not Clean Water Act § 307(a) toxic effluent standards or prohibitions. Clean Water Act § 307(a)(2) states, in relevant part, "Each toxic pollutant listed in accordance with paragraph (1) of this subsection shall be subject to effluent limitations resulting from the application of the best available technology economically achievable for the applicable category or class of point sources established in accordance with sections 301(b)(2)(A) and 304(b)(2)…." These "best available technology economically achievable" (BAT) effluent standards are technology-based effluent limitations. See the *U.S. EPA NPDES Permit Writers' Manual* at Section 5.2.1.1 (USEPA, 2010). They are not water quality standards, nor are they water quality-based effluent limits that are derived from water quality standards and based on Clean Water Act §301(b)(1)(C) and 40 CFR 122.44(d).

The anticipated revisions to water quality standards would be new regulations (see 40 CFR 122.62(a)(3)(i)(A)), which can be a cause for modification, but only if the permittee "requests modification in accordance with § 124.5 within ninety (90) days after Federal Register notice of the action on which the request is based" (40 CFR 122.62(a)(3)(i)(C))." Because NPDES permits may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62 or 122.64, EPA

[3] See, e.g., Kaiser Aluminum NPDES Permit (Effective Date June 1, 2022) (Section G3, Condition 2.d), available at https://apps.ecology.wa.gov/paris/DownloadDocument.aspx?Id=408532.

does not have the authority to include a reopener clause that purports to allow modification of a permit solely to implement a new water quality standard absent a request from the permittee.

Although copper is a pollutant of concern for this facility, and the maximum effluent copper concentration does exceed the current aquatic life water quality criteria for copper, the maximum copper concentrations at the edge of the mixing zones are well below the current water quality criteria. Specifically, the copper concentration at the edge of the acute and chronic mixing zones (1.63 µg/L and 0.891 µg/L, respectively) are roughly one third of the acute and chronic copper criteria (4.8 µg/L and 3.1 µg/L, respectively).

Regarding PFAS, as stated in the response to comment #69, chemical-specific monitoring of the dry dock floodwater is not feasible. However, EPA agrees with the commenter that the BMP Plan should include specific provisions to control or abate the discharge of PFAS chemicals from dry dock operations (40 CFR 122.44(k)). The final permit includes additional requirements in the BMP plan section to control or abate PFAS in the dry dock floodwater.

Other Changes to the Draft Permit

In the draft permit, paragraph numbering in Part I.B of the permit restarted at "1" after the "Outfall 002 Drydock" heading. This meant that some paragraphs in Part I.B of the draft permit did not have unique numbers. In the final permit, paragraph numbering continues after the "Outfall 002 Drydock" heading, so that each of the paragraphs in Part I.B have unique numbers.

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