



DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
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IN REPLY REFER TO:

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Ser N00/130
March 11, 2013

Mr. Tomas Morales, Chair
California Region Water Quality Control Board
San Diego - Region 9
9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340

SUBJ: CONSISTENT REGULATION OF STORM WATER DISCHARGES

Dear Chair Morales:

The Board will be considering a number of storm water permits over the next few months and we believe that this is a good time to consider storm water regulation consistency. Federal and state regulations support consistent application of regulations that seek to protect water quality and maintain beneficial uses of our surface waters. The storm water permits currently being considered take very different approaches to regulating potential toxicity from these discharges, even though all the discharges are into San Diego Bay. Both receiving water toxicity requirements and end of pipe toxicity requirements are used. The Navy supports receiving water toxicity requirements as directly indicative of water quality and protective of beneficial uses.

Toxicity of municipal and industrial storm water discharges is well documented when measured at the end of the pipe and is largely due to copper and zinc. Further, storm water from nearly every urban parking lot state wide is toxic. This is a community issue requiring all of us to do our part.

Toxicity in the receiving water is rarely observed following storm events, because stormwater discharges are intermittent, flow is variable, and they are of short duration, representing a very temporary condition in the receiving water. Toxicity testing in the receiving water appropriately addresses this uniqueness while protecting water quality.

This Board recently adopted "A Framework for Monitoring and Assessment in the San Diego Region". This framework suggests that coordinated regional receiving water monitoring is generally preferred as a means of assessing compliance with water quality standards. In addition, the State Board is currently working on a "Plan for Toxicity Assessment and Control". Toxicity testing in the receiving water is consistent

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with the current draft of the State's plan and San Diego's framework.

We also believe that the long term solution to copper and zinc toxicity involves source control, as the largest sources of these metals are not regulated by storm water permits, coming primarily from transportation related sources. The Navy supports Assembly Bill 1251 that proposes a comprehensive look at source identification and control to improve water quality.

In summary, storm water discharges in the San Diego Region should be regulated consistently. The short term focus should be on 'best management practices' with toxicity requirements in the receiving water. In the longer term, source identification and control are necessary to meet water quality objectives. The Navy supports the use of receiving water toxicity requirements as protective of water quality, particularly when addressing storm water toxicity.

My point of contact for this issue is Mr. Brian Gordon, who can be reached at (619) 532-2273 or email at brian.gordon@navy.mil.

Sincerely,



Dixon R. SMITH
Rear Admiral, U. S. Navy

Copy to: Mr. David Gibson