



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

January 5, 2011

Diana C. Messina
Supervising Engineer
NPDES/WDR Permit Writing Section
Central Valley Water Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Re: Tentative MS4 Permit for the Port of Stockton (NPDES No. CAS0084077)

Dear Ms. Messina:

The following are EPA Region 9's additional comments on the tentative NPDES permit (NPDES No. CAS0084077) for the municipal separate storm sewer system (MS4) serving the Port of Stockton, which was public noticed by the Central Valley Regional Board on November 22, 2010.

We have several concerns with the Water Column Toxicity Monitoring section of the Monitoring and Reporting Program, as this was the main focus of our Administrative Order on Consent (AOC) with the Stockton Port District. First, the TIE and TRE section should cite EPA guidance. It becomes very difficult to enforce these requirements if the guidance is not specifically mentioned. Second, all three species for toxicity testing are not listed; specifically, green algae is missing. Third, the permittee should be required to determine the statistically significant chronic toxicity as described in our AOC, page 20. It was our understanding that the Regional Board would incorporate the toxicity language from our AOC into the proposed permit. For your reference, the AOC can be found at http://www.epa.gov/region9/water/npdes/pdf/ms4/StocktonPort_AOC.pdf.

We appreciate the opportunity to provide input on the tentative order/draft permit. If you would like to discuss these comments, please contact Debra Denton at (916) 341-5520 or Elizabeth Sablad at (415) 972-3044.

Sincerely,

/S/ signed by David Smith on 1/5/2011

David Smith, Manager
NPDES Permits Office (WTR-5)