



**DEPARTMENT OF THE NAVY**  
**OFFICE OF THE CHIEF OF NAVAL OPERATIONS**  
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**WASHINGTON DC 20350-2000**

5100  
Ser N45/21U132542  
20 July 2021

MEMORANDUM

From: Director, Shore Readiness (OPNAV N46)

Subj: POLICY FOR THE SAMPLING OF EMERGING CHEMICALS IN CLEAN WATER  
ACT DISCHARGES

1. The purpose of this memorandum is to provide guidance to the Navy Clean Water Act compliance community to ensure consistency when conducting sampling for emerging chemicals or other unregulated materials.
2. The Navy occasionally receives requests from state and local authorities, universities, and the public to conduct additional emerging chemical and unregulated materials sampling. As emerging chemicals and other unregulated materials continue to drive high visibility media coverage, decisions for when and where to sample must be made carefully. Without toxicity or exposure guidelines or promulgated requirements from a regulatory agency, it may not be possible for the Navy to make effective risk-based decisions and communicate them to the public. In these cases, sampling results may generate confusion and concern for the public, and the Navy may not have clear direction on any additional action required. The Navy must continue to make big-picture decisions in consultation with the other services to ensure we are approaching this issue consistently. Therefore, it is important that decisions to sample emerging materials be fully coordinated through your respective chain of command, to include the Office of Chief of Naval Operations if necessary.
3. Navy compliance personnel must not sample, or allow another party to sample any Navy environmental media covered under the Clean Water Act, for unregulated materials without approval from the chain of command. Requests must include, at a minimum, a brief sampling plan and a justification for why the sampling is in the Navy's interest. The plan must include the project schedule and purpose, laboratory to be used, sampling method(s), quality assurance and control practices to be followed, all Navy and external sampling locations, cost analysis for Navy responsibilities, and proposed reporting information. Navy Clean Water Act compliance personnel should not implement new emerging chemical/material sampling regulations (Federal, State, interstate, or local) until Navy legal counsel advises that the regulations are applicable. Therefore, installations must not provide emerging chemical/material samples without Navy legal counsel advice that the regulatory request for the sample is valid. In order to ensure that sampling results are tracked and interested parties are notified, installations must report new State, interstate, or local regulations for sampling of an emerging chemical/material up the chain of command to OPNAV N452. Similarly, installations must report new conditions language regarding emerging chemicals/materials sampling in National Pollution Discharge Elimination System (NPDES) permits, whether in a draft or in a final permit, to OPNAV N452. All new

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regulatory and/or new NPDES permit language regarding emerging chemicals/materials sampling must be reported to OPNAV N452 no later than 30 days after the end of the quarter in which it is introduced. Lastly, installations whose final NPDES permits include emerging chemicals/materials sampling conditions must comply with those conditions following a Navy legal counsel determination that they are valid.

4. My point of contact on this matter is Ms. Rachel Methvin, OPNAV N452, who can be reached via phone at 703-695-5179 or e-mail at [rachel.m.methvin.civ@us.navy.mil](mailto:rachel.m.methvin.civ@us.navy.mil).

E. M. KERN

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