

UNDS *tidings*

Uniform National Discharge Standards



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Introducing *tidings*

Welcome to *UNDS tidings*, the Navy and EPA's official newsletter for reporting on the progress of their joint effort to develop Uniform National Discharge Standards (UNDS) for Armed Forces vessels. To welcome new players to UNDS, this inaugural issue introduces the scope of the UNDS effort, reports on progress made, and answers some frequently asked questions.

UNDS tidings is more than a bulletin board for information. It is a communication tool — a forum to share questions and information about UNDS. Your feedback is an integral and welcome component of the UNDS effort and we want to hear from you! Please forward your comments and questions to *UNDS tidings*, c/o Booz-Allen & Hamilton Inc., 8283 Greensboro Drive (HMLT 4078), McLean, VA 22102, or via e-mail to UNDS@bah.com.

Why UNDS?

Section 325 of the National Defense Authorization Act of FY96, entitled *Discharges from Vessels of the Armed Forces*, amended Section 312 of the Clean Water Act and authorized the Department of Defense (DoD) and EPA to jointly develop UNDS. The UNDS legislation seeks to improve environmental protection while enhancing the operational flexibility of Armed Forces vessels that visit various ports as part of their missions. Currently, discharge standards may vary from port to port. UNDS will set national standards for incidental discharges, allowing vessels to perform their missions without compromising compliance with discharge standards.

In accordance with the UNDS legislation, the Navy (as lead for DoD) and EPA will establish these national standards in three phases.

Three Phases of UNDS

- 1—Determine incidental vessel discharges requiring control by marine pollution control devices (MPCDs) (2/10/98 Deadline)
- 2—Set performance standards for MPCDs (2/10/00 Deadline)
- 3—Establish guidelines for designing, constructing, installing, and using MPCDs (2/10/01 Deadline)

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next issue of *UNDS tidings* ...

Navy Research and
Development Initiatives

Currently in the midst of Phase 1, the Navy and EPA are determining which discharges require control via a marine pollution control device (MPCD). An UNDS Technical Working Group, comprised of Navy, EPA, Coast Guard, and other DoD representatives has identified more than 40 discharges that will undergo a series of analyses to determine whether they require an MPCD. It is important to note that an MPCD may be a piece of equipment or a best management practice.

Examples of Incidental Discharges

*deck washdown runoff • ballast water
graywater • cooling water condensate • bilgewater
hull coating leachate • boiler blowdown*

As provided in the UNDS legislation, the Navy and EPA will consider seven factors (listed below) in deciding whether a discharge requires control. The same seven factors will also be considered in determining which MPCD is appropriate for managing a discharge. The Navy and EPA will balance these factors in deciding which MPCD option, if any, supports the goals of the UNDS legislation: enhancing environmental protection and operational flexibility.

How Will Discharge Control Determinations Be Made?

The Navy and EPA will analyze each discharge and MPCD using seven (7) criteria

- 1—Nature of a discharge
- 2—Environmental effects of a discharge
- 3—Practicability of an MPCD
- 4—Operational effects of an MPCD
- 5—Applicable U.S. law
- 6—Applicable international standards
- 7—Costs of an MPCD's installation and use

The product of Phase 1 of UNDS will be a regulation published in the *Federal Register*. The preamble to this regulation will describe the statutory requirements for UNDS, explain the decision-making process used by the Navy and EPA, present the results of this process, and discuss stakeholder involvement. Readers of this *Federal Register* notice will be clearly presented with two lists: one will contain discharges that require MPCDs, and the other will contain discharges that

do not require MPCDs. After addressing public comments and revising the draft regulation, the Navy and EPA will publish the final rulemaking in Title 40 Code of Federal Regulations (CFR).

Throughout the entire rulemaking process, the Navy and EPA are consulting with States. In fact, the Navy, EPA, and Coast Guard have met with more than 20 States that requested briefings on UNDS. State officials have learned more about the scope of UNDS and the approach that the Navy and EPA are taking to determine which discharges will require MPCDs. The Navy, EPA, and Coast Guard have also learned about each State's program and concerns about protecting specific water bodies.

The Navy and EPA are committed to continuing to work with States and other interested parties throughout the rulemaking. A second round of State consultation meetings is planned for Spring/Summer 1997 to consider details of the technical approach used by the Navy and EPA and discuss some of the preliminary results of the discharge analyses.

One of the major benefits of meeting with States has been the identification by State regulators of local environmental stakeholders who might want to learn more about UNDS. The Navy and EPA will introduce these stakeholders to UNDS during meetings to be held in coordination with the second round of State consultations: Spring/Summer 1997. In the meantime, the Navy and EPA plan to host a meeting with national environmental groups. This meeting will be held in early 1997 to introduce these groups to UNDS and begin gathering their input on the Navy and EPA's efforts.

By embarking on this comprehensive outreach and consultation effort, the Navy and EPA are looking forward to a smooth promulgation of an UNDS rule that yields three important benefits. UNDS will:


- Enhance the operational flexibility of Armed Forces vessels domestically and internationally
- Stimulate the development of innovative vessel pollution control technology, and
- Advance the development of environmentally sound ships.


Finally, the UNDS effort benefits directly from the Navy's long-standing R&D program to develop and qualify innovative technologies to control liquid discharges — the topic of the next issue of

UNDS tidings .


Recent Progress

UNDS development activity is proceeding rapidly to meet an aggressive schedule. To date, the effort has reached several milestones:

 **Round 1 of the State consultation meetings is complete.** More than 20 States accepted the Navy's offer to brief them on UNDS and discuss their concerns. The meetings began a dialogue among the Navy, EPA, Coast Guard, and States that will continue throughout the UNDS development process.

 **The first round of equipment expert (EE) meetings has concluded.** The EE meetings focused on gathering information to characterize the incidental discharges associated with the operation of systems on

board vessels. The first round of meetings resulted in significant increases in process knowledge about many vessel discharges including: volumes of discharges; current practices and equipment to manage and control discharges; and data gaps.

 **A comprehensive regulatory survey is complete.** The survey established a database identifying local, State, Federal, and international regulatory requirements for consideration in establishing UNDS.

Visit the UNDS Homepage!

<http://www.n4.hq.navy.mil/unds.html>

Frequently Asked Questions

The UNDS rulemaking is a dynamic process that has generated a great deal of interest and several questions. Here are the answers to this month's most frequently asked questions:

Q: The Navy (on behalf of DoD) and EPA are leading the UNDS initiative. Does this mean that UNDS will only impact Naval vessels?

A: No, the Navy was delegated the lead responsibility to develop UNDS on behalf of DoD, but UNDS applies to all vessels of the Armed Forces. The Air Force, Army, Marine Corps, Military Sealift Command, Coast Guard, and the Navy will have to comply with UNDS requirements.

Q: Will UNDS regulate sewage discharges?

A: No, Armed Forces vessels comply with existing sewage discharge requirements of §312 of the Clean Water Act. Under these provisions, the Navy contains sewage discharges on board a vessel within 3 nm. Once pierside, the sewage is pumped to a publicly-owned treatment works (POTW). The Navy is also conducting R&D to develop improved means of treatment for all shipboard liquid waste streams, including sewage.

Q: The intent of UNDS is to establish national uniform standards for discharges. Will UNDS impact existing individual State standards?

A: Yes. Once UNDS are established, Armed Forces vessels will comply with UNDS rather than individual State standards. However, it is important to note that the UNDS regulatory development process is a joint and cooperative effort of many agencies, including States. The Navy and EPA are involving States in every step of the process, collecting input from each interested State, and developing regulatory language in consultation with States. Additionally, every five years, EPA and the Navy will consider State input when reviewing the list of discharges requiring MPCDs. Finally, the UNDS legislation allows the Governor of any State to submit a petition to the EPA Administrator requesting that:

- 1) a determination not to control a specific discharge be reconsidered;
- 2) the performance standard for a specific MPCD be reevaluated; or
- 3) a no-discharge zone for a particular discharge be established within that State's waters.

Announcing the UNDS Homepage

Stay up-to-date on-line! Visit the UNDS Homepage between **UNDS tidings** issues to learn about the latest activities and developments. The homepage features current information on R&D initiatives, UNDS legislation, vessel pollution control technologies, the technical approach to developing UNDS, and environmental protection. It also provides links to other relevant electronic resources including the homepages of EPA's Office of Water and the Navy's environmental program. The UNDS homepage address is:
<http://www.n4.hq.navy.mil/unds.html>

Upcoming UNDS Activities

The Navy and EPA are planning to host a meeting with national environmental groups in early 1997 in Washington, DC to introduce these groups to UNDS and obtain input to the UNDS technical approach. Round 2 of State consultation meetings will begin this spring. These meetings will focus on the more technical aspects of UNDS, including preliminary findings of the discharge analyses. At the same time, the Navy and EPA will begin meeting with local environmental groups.

UNDS Fast Fact

UNDS was originally part of the Clean Water Act (CWA) reauthorization bill. When Congress did not reauthorize the CWA, it included UNDS in §325 of the Fiscal Year 1996 National Defense Authorization Act. President Clinton signed this act into law on 10 February 1996, extending §312 of the CWA to discharges other than sewage.

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