

# UNDS *tidings*

Uniform National Discharge Standards



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## Uniform National Discharge Standards Proposed Rule Published in the Federal Register

**E**PA and DoD completed a major milestone in Phase I of the UNDS rulemaking process - the proposed rule was published in the *Federal Register* on August 25, 1998.

Publication of the proposed rule marks the culmination of a series of technical activities to identify and characterize discharges incidental to normal Armed Forces vessel operations. This issue of UNDS<sup>tidings</sup> summarizes the results of those technical activities and provides an overview of what you will find in the preamble and proposed rule.

Read on for a wrap up of Phase I activities.

### Phase I Overview

Phase I activities focused on identifying and characterizing discharges incidental to normal Armed Forces vessel operations. Through consultation with personnel with system expertise and an extensive review of shipboard

systems and operations, Navy and EPA identified a total of 39 incidental vessel discharges. Following the identification of these discharges, Navy and EPA identified the constituents of each discharge and evaluated the potential for the discharge to cause an adverse effect on the marine environment (see the Spring 1998 issue of UNDS<sup>tidings</sup> for more details on discharge analyses). Based on these analyses, EPA

and DoD categorized the discharges into one of two categories:

1. Requires control by a marine pollution control device (MPCD)
2. Does not require control by a MPCD.

The discharge determination list on page

2 reflects the results of the technical activities, and appears as the proposed determinations published in the *Federal Register*. A description of each discharge is provided in the *Federal Register* notice.

A comprehensive explanation of the technical analyses conducted in Phase I can be found in the "Technical Development Document for Proposed Phase I Uniform National Discharge Standards for Vessels of the Armed Forces." The document provides the technical basis for the proposed rule, is included in the Administrative Record to the rule, and is available on the UNDS Website (see box above).

**You may view the *Federal Register* notice for this proposed rule on the Internet at <http://www.epa.gov/OST/rules/UNDS> or at the UNDS Internet site at <http://206.5.146.100/n45/doc/unds/unds.html>. These documents are also available from the EPA Water Resource Center, Room EB-47, 401 M Street, SW., Washington, DC 20460 or through the voice mail publication request line at (202) 260-7786.**

### CONTENTS

|  |   |
|--|---|
| Proposed Rule Published in <i>Federal Register</i> | 1 |
| UNDS Fast Fact                                     | 3 |
| Frequently Asked Questions                         | 4 |



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## Proposed Rule cont'd.

| Discharges Requiring Control  | Discharges Not Requiring Control  |
|---|---|
| <ul style="list-style-type: none"> <li>• Aqueous Film-Forming Foam</li> <li>• Catapult Water Brake Tank and Post-Launch Retraction Exhaust</li> <li>• Chain Locker Effluent</li> <li>• Clean Ballast</li> <li>• Compensated Fuel Ballast</li> <li>• Controllable Pitch Propeller Hydraulic Fluid</li> <li>• Deck Runoff</li> <li>• Dirty Ballast</li> <li>• Distillation and Reverse Osmosis Brine</li> <li>• Elevator Pit Effluent</li> <li>• Firemain Systems</li> <li>• Gas Turbine Water Wash</li> <li>• Graywater</li> <li>• Hull Coating Leachate</li> <li>• Motor Gasoline Compensating Discharge</li> <li>• Non-oily Machinery Wastewater</li> <li>• Photographic Laboratory Drains</li> <li>• Seawater Cooling Overboard Discharge</li> <li>• Seawater Piping Biofouling Prevention</li> <li>• Small Boat Engine Wet Exhaust</li> <li>• Sonar Dome Discharge</li> <li>• Submarine Bilgewater</li> <li>• Surface Vessel Bilgewater/Oil-Water Separator Discharge</li> <li>• Underwater Ship Husbandry</li> <li>• Welldeck Discharges</li> </ul> | <ul style="list-style-type: none"> <li>• Boiler Blowdown</li> <li>• Catapult Wet Accumulator Discharge</li> <li>• Cathodic Protection</li> <li>• Freshwater Lay-up</li> <li>• Mine Countermeasures Equipment Lubrication</li> <li>• Portable Damage Control Drain Pump Discharge</li> <li>• Portable Damage Control Drain Pump Wet Exhaust</li> <li>• Refrigeration/ Air Conditioning Condensate</li> <li>• Rudder Bearing Lubrication</li> <li>• Steam Condensate</li> <li>• Stern Tube Seals and Underwater Bearing Lubrication</li> <li>• Submarine Acoustic Countermeasures Launcher Discharge</li> <li>• Submarine Emergency Diesel Engine Wet Exhaust</li> <li>• Submarine Outboard Equipment Grease and External Hydraulics</li> </ul> |

Following promulgation of the final Phase I rule, States will be preempted from regulating discharges listed as not requiring control. However, States do have the ability to establish no-discharge zones or petition EPA and DoD to review a determination; the Federal Register notice explains both of these procedures. Following promulgation of the MPCD performance standards in subsequent UNDS phases, States will also be preempted from regulating discharges listed as requiring control. Additionally, the mechanisms for determining compliance with performance standards and the role of States and Federal agencies in enforcement matters will be addressed during Phases II and III.

### What You Will Find in the Preamble and Rule

The preamble to the rule is divided into several sections. In addition to providing a brief

description of all 39 incidental vessel discharges, the preamble provides the summary and purpose of the UNDS rulemaking, a brief description of vessels regulated by UNDS, and an overview of the data gathering efforts and discharge analyses. The rule is divided into four subparts:

- Subpart A: Scope
- Subpart B: Discharge Determinations
- Subpart C: Effect on States
- Subpart D: Marine Pollution Control Device (MPCD) Performance Standards

**Subpart A** explains which vessels will be regulated by UNDS in addition to explaining the entities that are impacted by the regulation and defining key terms.

**Subpart B** lists the discharges identified as incidental to normal Armed Forces vessel operations, briefly describes each discharge, and identifies it as requiring or not requiring control.

## Proposed Rule cont'd.

**Subpart C** explains the effect UNDS will have on States. This subpart outlines the procedures for States and EPA to establish no-discharge zones (where any release of a specified discharge from Armed Forces vessels is prohibited). This Subpart also describes the procedure for a State to petition for the review of discharge determinations or MPCD performance standards in addition to explaining the preemption of State regulation of these UNDS discharges.

**Subpart D** is reserved for MPCD performance standards to be developed in Phase II.

### Next Steps

The proposed rule is open for a 45-day public comment period. In response to the proposal, you may submit comments and questions directly to: Docket W-97-21 UNDS Comment Clerk, Water Docket, Mail Code 4101, U.S. EPA, 401 M Street, SW., Washington, D.C. 20460. (Also see Frequently Asked Questions on page 4 for additional information.)

EPA and Navy will receive and consider comments on the proposed rule during the 45-day comment period. Following the completion of the public comment process, EPA and Navy will promulgate the final Phase I rule at Title 40 CFR. Upon

publication of the final rule, EPA and Navy will begin Phase II activities, including the evaluation and selection of MPCD performance standards for each discharge requiring control. Following promulgation of the Phase II rule, Phase III will focus on developing requirements governing design, construction, installation, and use of MPCDs. This will mark the completion of the UNDS rulemaking process.

However, the UNDS effort will not end after Phase III. The UNDS legislation requires EPA and DoD to review discharge determinations every five years. A discharge determination may change, for example, due to newly available information. Additionally, a State may petition DoD and EPA at any time to request the review of a discharge determination made during UNDS Phase I, or to initiate the establishment of a NDZ.

For more detailed information on Phase I activities and results, see the UNDS website at <http://206.5.146.100/n45/doc/unds/unds.html> to stay informed.

## UNDS Fast Fact

The UNDS legislation allows a discharge to be excluded from control due to a lack of feasible or practicable control options. However, EPA and Navy did not exclude any discharges from control on this basis. In fact, 21 of the 25 discharges listed as requiring control are currently controlled through a piece of equipment or management practice on at least one class of vessel. The Technical Working Group (TWG) conducted a preliminary feasibility analysis of MPCD options for each discharge not currently controlled:

- Distillation and reverse osmosis brine
- Hull coating leachate
- Small boat engine wet exhaust
- Underwater ship husbandry

Based on the results of these analyses, the Navy and EPA concluded they were able to identify at least one possible MPCD option for at least one vessel class. EPA and DoD will perform a more detailed assessment of MPCD options in Phase II. EPA and DoD will consider options being evaluated as part of research and development programs in addition to those that are currently available.

## Frequently Asked Questions

### Q. How long is the public comment period?

- A. The proposed rule will be open to a public comment period for 45 days from the date of publication in the *Federal Register*. During that period, EPA and Navy will review comments and begin preparing responses. The final rule will be promulgated after addressing the comments.

### Q. How do I provide comments on the rule?

- A. Send your written comments on the proposed rule to: Docket W-97-21 UNDS Comment Clerk, Water Docket, Mail Code 4101, U.S. EPA, 401 M Street SW., Washington, D.C. 20460. Please submit an original and three copies of your comments and enclosures (including references). No facsimiles (faxes) will be accepted. If you'd like an acknowledgment that your comments were received, enclose a self-addressed stamped envelope with your comments. You may also file comments electronically to [ow-docket@epa.gov](mailto:ow-docket@epa.gov). Electronic comments must be submitted as an ASCII or WordPerfect file avoiding the use of special characters and any form of encryption. Electronic comments must be identified by the docket number W-97-21 and may be filed online at many Federal Depository Libraries.

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