

UNDS *tidings*

Uniform National Discharge Standards

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Uniform National Discharge Standards Phase II Underway

Phase II Overview

The second phase of the UNDS rule-making process is in full swing. This phase will result in the promulgation of marine pollution control device (MPCD) performance standards for the 25 vessel discharges determined during Phase I to require control. The Navy, as the lead for DoD, and EPA are in the final stage of developing a technical approach for analyzing MPCD options. The technical approach will include discharge characterization, MPCD identification and screening, feasibility analysis, environmental effects analysis, performance standard development, and cumulative impact analysis. The Phase II analytical results will be captured in discharge assessment reports for each of the discharges requiring control. Each element of the technical approach involves the integrated efforts of the Navy, EPA, and U.S. Coast Guard (USCG).

Characterizing the discharges: Navy, EPA, and USCG are starting with the discharge information in the Phase I nature of discharge reports and supplementing it with additional data, as needed, to characterize the physical, chemical, and biological attributes of each discharge. This supplemental data may include, but is not limited to, additional sampling results and vessel operational process knowledge.

Identifying and screening MPCD options: Potential MPCDs are being identified using a variety of sources (e.g., sources sought announcements, literature searches, and equipment experts). Information is being gathered to characterize the environmental performance and feasibility of using potential MPCDs onboard Armed Forces vessels. The Navy, EPA, and USCG are using a screening process to eliminate MPCD options that have not been demonstrated to meet minimum environmental or feasibility requirements.

Performing a feasibility analysis: The MPCDs that pass the screening process

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are subsequently evaluated in-depth to determine the practicability of their use aboard Armed Forces vessels. This process addresses three of the seven legislative factors: practicability, operational impact, and cost. The feasibility analysis investigates the impact of MPCD's on each of the following criteria:

- Space and weight
- Personal/equipment safety
- Mission capabilities
- Personnel impact
- Consumables, repair parts and tools
- Interface requirements
- Control system requirements
- Lifecycle costs

Performing an environmental effects analysis:

Concurrent to the feasibility analysis, the environmental analysis is also performed on the MPCD options that pass the screening process. This analysis addresses another three of the seven legislative factors: the environmental effects of each discharge, applicable U.S. laws, and applicable international standards. Consideration is given to appropriate Tribal and State standards for regulating discharges into U.S. waters. Analysis of environmental effects includes multiple discharge constituents and parameters, including:

- Chemical constituents (metals, organics, nutrients, oil/grease)
- Sediment/total suspended solids
- Thermal loads
- Toxicity
- Pathogens
- Bioaccumulators
- Invasive species
- Others (e.g., sheen, foam, odor)

Drafting performance standards: Based on the feasibility and environmental effects analyses, the Navy, EPA and USCG will draft performance standards for the 25 discharges.

Performing a cumulative impact analysis:

After preliminary performance standards have been identified, EPA and DoD will conduct a cumulative impact analysis to determine the net effect of implementing the draft standards. This analysis is performed to evaluate the combined impact of the controlled discharges. The cumulative impact analysis will evaluate the overall environmental and feasibility impacts of performance standards for multiple discharges into a harbor. Based on the results of the cumulative impact analysis, Navy, EPA, and USCG may revise performance standards to ensure that the combination of performance standards adequately meets the objectives of the UNDS legislative requirements.

If there are no control options that meet the Program's environmental and/or feasibility requirements for a discharge, DoD and EPA will propose a standard based on currently achievable controls and separately establish an environmentally protective target standard. This target standard is designed to spur the development of innovative MPCD options by the DoD, USCG, and the commercial sector.

As we did in Phase I when determining which discharges required control, the standards developed in Phase II will be proposed in the Federal Register and open for public comment. After considering public comments on the proposed standards, we will publish a final rule setting these standards in the Federal Register.

Recent Developments

First Round of Phase II State and Tribal Outreach & Consultation

The Navy, EPA, and USCG briefed a total of 24 States between August and December 1999. The briefings to representatives of State water and coastal management programs accomplished the following:

- Reviewed the purpose of UNDS and the results of Phase I;
- Introduced Phase II; and
- Explained the Phase II general approach for performing technical analyses.

At each briefing, States were asked to share information on State programs and other concerns that could apply to discharges regulated

by UNDS. States were asked to provide information on their coastal zone management program for use by the Navy, EPA, and USCG in making a consistency determination under the Coastal Zone Management Act.

In addition, the Navy and EPA will continue Tribal outreach with federally-recognized Tribes that have the potential to be affected by UNDS. The Navy and EPA are participating in Tribal conferences, and are open to meeting with Tribes individually, or regionally, to discuss their concerns related to the UNDS rulemaking.

Would you like to be added to the **UNDS**^{tidings} mailing list?

Contact:

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UNDS Fast Fact

During UNDS Phase II, EPA and DoD will establish performance standards for the 25 incidental Armed Forces vessel discharges that have the potential to have an adverse impact on the marine environment. The following is a list of these 25 discharges. For a brief definition of each discharge, please consult the UNDS Phase I final rule (Federal Register/Vol. 64, No. 89/Monday, May10, 1999).

Aqueous Film-Forming Foam
Catapult Water Brake Tank and Post-Launch Retraction Exhaust
Chain Locker Effluent
Clean Ballast
Compensated Fuel Ballast
Controllable Pitch Propeller Hydraulic Fluid
Deck Runoff
Dirty Ballast
Distillation and Reverse Osmosis Brine
Elevator Pit Effluent
Firemain Systems
Gas Turbine Water Wash

Graywater
Hull Coating Leachate
Motor Gasoline Compensating Discharge
Non-Oily Machinery Wastewater
Photographic Laboratory Drains
Seawater Cooling Overboard Discharge
Seawater Piping Biofouling Prevention
Small Boat Engine Wet Exhaust
Sonar Dome Discharge
Submarine Bilgewater
Surface Vessel Bilgewater/Oil-Water Separator Discharge
Underwater Ship Husbandry

Frequently Asked Questions

Q: Is there any intent to develop a similar comprehensive set of regulations for commercial vessels?

A: EPA and DOD do not have plans to jointly develop a set of comprehensive regulations, similar to UNDS, for commercial vessels. However, during State outreach, several States expressed interest in using the analytical results of UNDS in their efforts to control commercial vessel discharges.

Q: When the Navy and EPA note that they will consider U.S. laws and regulations, does this also mean State laws and regulations?

A: Yes. The Navy and EPA considered State laws and regulations as part of the Phase I analyses and are considering State laws and regulations as part of the Phase II environmental effects analyses.

Q: What can States do if they feel that a waterbody or portion of a waterbody requires protection beyond that provided by UNDS.

A: States can establish a no-discharge zone, which prohibits one or more discharges into the waterbody or portion of the waterbody. The process for establishing a no-discharge zone is described in Part 40 of the Code of Federal Regulations, Sections 1700.6 - 1700.13.

To learn more about UNDS, or to download current and past issues of UNDS ^{findings} check out the UNDS homepage:

<http://206.5.146.100/n45/doc/unds/unds.html>

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