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OFFICE OF THE ASSISTANT SECRETARY
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JUL 19 2002

Mr. Carey A. Johnston
Metal Products & Machinery Rule
Office of Water, Engineering and Analysis Division (4303T)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Effluent Limitations Guidelines, Pretreatment Standards, And New Source Performance Standards for the Metal Products and Machinery Point Source Category; Notice of Data Availability; 67 FR 38752 (5 June 2002), Docket No. W-99-23

Dear Mr. Johnston:

Enclosed are comments on the Notice of Data Availability for the Metal Products and Machinery (MP&M) Point Source Category from the Department of Defense (DoD) Clean Water Act Services Steering Committee (CWASSC), which represents the Departments of the Navy, Air Force, and Army, as well as several other DoD components and agencies.

DoD supports EPA's efforts to regulate a complex source category. However, we recommend that additional detail be provided for a potentially regulated facility to determine if the proposed rule applies to a source. Also, we recommend that the rule be revised to: 1) Delete "bilge water" from the definition of Oily Operations; 2) include the exemption for discharges from ships afloat in the general applicability section (Section 438.1) versus Subpart F (section 438.8); 3) eliminate the General Metals and Oily Waste Subcategories for indirect discharges; 4) eliminate the Shipbuilding Dry Dock Subpart; and 5) exempt maintenance discharges under the General Metals Subcategory that discharge less than one million gallons per year from the 40 CFR 433 regulation.

My point of contact for this issue is Ms. Pamela Morris at (703) 604-8223 or email at morris.pamela@hq.navy.mil.

Sincerely,

Donald R. Schregardus
Deputy Assistant Secretary of the Navy
(Environment)

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**Department of Defense (DoD)
Clean Water Act Services Steering Committee**

**Comments on the
Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance
Standards for the Metal Products and Machinery (MP&M) Point Source Category; Notice
of Data Availability (NODA); 67 FR 38752 (5 June 2002)**

1. Exempt “Bilge Water”

In the NODA (reference a), EPA modified the definition of “oily operations” to include bilge water (see Section II.B, page 38755). We believe this change is contrary to EPA’s stated intent in the proposed rule (reference b). Section VI.C.8, page 445, of the preamble of the proposed rule states that EPA is not including wastewater generated on-board ships when they are afloat. However, they do intend to regulate discharges from ships when they are located in a dry dock.

Subpart F, the Oily Wastes Subcategory, does not have similar language to exclude wastewater from ships afloat. Since Section 438.80 (b) (2) of the proposed rule states that bilge water discharges from ships afloat are not subject to Subpart H (Section 438.80), Subpart F (Section 438.60) could be construed as applicable to bilge water that is collected and treated at facilities other than those described in Subpart H. To avoid confusion, the exemption of “bilge water” generated on afloat vessels should be applicable to the entire rule, specifically Subparts F and H. Bilge water in afloat vessels is a wastewater generated from normal shipboard operations, not a process wastewater generated as result of maintenance operations.

Recommendation: Exempt “bilge water” generated from ships afloat from the entire rule and include an exemption in the “Oily Operations” definition.

References:

- a. NODA, 67 FR 38752, 5 June 2002
- b. Proposed Rule, 66 FR 424, 3 January 2001

2. Eliminate The General Metals Subcategory For Indirect Discharges

EPA requested comments on whether the low flow exemption for the General Metals Subcategory should be raised above 1 million gallons per year (MGY) or if it should consider no further regulation.

Increasing low flow exemptions will decrease the administrative burden on POTWs and the permitted community by decreasing the number of facilities subject to categorical regulation. It will also decrease the overall cost to DoD facilities by reducing the level of documentation required to ensure that facilities are under the flow threshold. Due to the intermittent nature of maintenance operations and the inherent difficulty in isolating and

measuring their flows, small dischargers will most likely use estimates and professional judgment to seek flow exemptions. By raising the flow threshold, POTWs will have greater confidence when accepting these estimates and exempting small dischargers because most flows will fall well below this threshold. Without this level of confidence by the POTWs, DoD facilities will have to spend thousands of dollars and man-hours on studies and documentation just to gain the exemption. The cost of these studies does not seem to be included in the economic analysis of the rule.

As minor discharge sources are adequately covered by local limits, raising the low flow exemption threshold will ensure that resources are spent on treating significant discharges rather than documenting flows from minor ones.

The benefits do not justify the cost required to implement this rule. The cost effectiveness of the rule for indirect dischargers at \$440/pound-equivalent removed is more than twice as high as any previous effluent guideline. Table IX.B-2 indicates that raising the flow cutoff does not improve the cost effectiveness of the rule. Increasing regulations on the large dischargers while exempting the smaller dischargers is even less cost effective, \$893/pound-equivalent removed.

Recommendation: While raising the low flow cutoff values will reduce the administrative burden on DoD facilities, Table IX.B-2 indicates that raising the cutoff will make the rule even less cost effective. For this reason, DoD requests that EPA choose the option of No Regulation or No Further Regulation for indirect dischargers in the General Metals Subcategory.

Reference: NODA, Section IX.B.2-3, page 38800

3. Eliminate The Oily Waste Subcategory For Indirect Discharges

EPA requested comment on whether it should either increase the low flow cutoff for indirect discharges in this subcategory or not establish a standard. Table IX.E-1 summarizes the cost effectiveness of the low flow cutoff at three levels. For each of the limitations, the cost effectiveness value is over \$2000/pound-equivalent removed. This number is over ten times higher than any previous Effluent Guideline Limitation, and the benefits do not justify the cost required to implement this rule. Furthermore, discharges from these sources should be adequately covered by local limits.

Recommendation: Select the No Regulation or No Further Regulation option for indirect dischargers in the Oily Wastes Subcategory.

Reference: NODA, Section IX.E.1-2, page 38804

4. **Eliminate The Shipbuilding Dry Dock Subpart**

EPA originally identified 273 facilities with direct and indirect discharges that potentially could be affected by the MP&M rule. EPA later decided to regulate only facilities with direct discharges, and identified six facilities that would be subject to the rule. We believe that the cost and effort of promulgating and administering an effluent guideline for only six facilities is disproportionate to the pollutant removal that will be realized for the two pollutants targeted (total suspended solids, and oil and grease). Existing water-quality-based effluent permitting regimes provide the necessary regulatory controls for these discharges.

Recommendation: Eliminate the Shipbuilding Dry Dock Subpart from the rule.

References:

- a. Development Document for the MP&M Rule, Table 4-1
- b. Proposed Rule, Section VI.C.8, page 445

5. **Exempt maintenance discharges under the General Metals Subcategory that discharge less than 1 Million Gallons per Year (MGY) from regulation under 40 CFR 433**

The rule does not specify the disposition of metal finishers that meet the low flow exemption. DoD believes that maintenance discharges under the General Metals subcategory that meet the low flow exemption should not be regulated.

Section XII.C of the preamble to the rule states:

In cases where EPA is proposing an option that also specifies a low flow cutoff, it means that facilities with annual wastewater flow below the cutoff would not be subject to the MP&M categorical pretreatment standards. These facilities would remain subject to the general pretreatment regulation at 40 CFR Part 403 or their existing categorical pretreatment standards (e.g., 40 CFR 413 or Part 433).

Effectively, this means that a facility that is subject to Part 438 (MP&M) and discharges more than 1 MGY remains regulated by Part 438, and a facility that discharges less than 1 MGY reverts to regulation under Part 433 (Metal Finishing) if that subcategory applied to the facility's operations.

It is not clear, however, from the MP&M rule or Part 433 which discharges of less than 1 MGY revert to Part 433. The Metal Finishing applicability section (Part 433.10(a)), for example, states that "provisions of this subpart apply to *plants*...(emphasis added)." DoD understands the term "plants" to denote manufacturing, but not maintenance operations.

This understanding is buttressed by the fact that chapter 3 of the MP&M Development Document distinguishes between “manufacturing” and “rebuild/maintenance.” It states:

Manufacturing is a series of unit operations necessary to produce metal products, and is generally performed in a production environment. Rebuilding/maintenance is the series of unit operations necessary to disassemble used metal products into components, replace the components or subassemblies or restore them to original function, and reassemble the metal products.

DoD believes, therefore, that EPA’s interpretation in the preamble that all discharges of less than 1 MGY would remain subject to Part 433 is meant to apply only to those facilities that have discharges from manufacturing operations and not to those facilities involved in maintenance operations intended to be governed by Part 438. Such maintenance operations are typically small scale, as indicated by their low flows, and often do not generate a wastewater discharge. They should fall within the low flow exemption under Part 438 but not be subject to further regulation under another Part.

Any other interpretation will negatively impact DoD’s aircraft maintenance operations at operational facilities. The practice of touch-up painting illustrates this point. Touch-up painting is incidental maintenance that is performed on aircraft when the aircraft is in an operational mode while located on a flight line or hangar, with this maintenance performed at the user or unit level. Touch-up painting is normally limited to small scratches or chaffed areas on aluminum structure or skin, typically limited to one or two square inches in size. Alodine is a chemical process used to perform chromate conversion coating to bare aluminum as a corrosion preventative and paint adhesion enhancement as a step in the paint process. In this context, alodine may be applied with a small brush, tip applicator or sponge applicator to a small bare area which is subsequently touch-up painted by direct application with an acid brush. As a Pollution Prevention (P2) practice, only a small amount of alodine is used in this process and it typically produces no waste. Due to the application process, no rinsing following the application is required. This is in contrast to the alodine process in a manufacturing environment such as a plating shop. These unit level maintenance operations should not be considered metal finishing operations for the purposes of compliance with Part 433. At least two EPA regions, however, have regulated this incidental maintenance under Part 433 as a metal finishing process. One EPA Region expanded this interpretation to cover ancillary processes across the entire base, as opposed to just the processes in the hangar where the alodine was being applied. DoD believes such interpretations of the rule are excessive and unreasonable. Clarification to Part 438 regarding these maintenance operations not being subject to Part 433 by default would remedy this problem. See attached flow chart in Figure I as an example of this decision process.

Recommendation: EPA provide language in the rule that metal finishing operations associated with maintenance that meet the low flow exemption are not subject to regulation under Part 433.

References:

- a. Preamble of Proposed Rule, Section XII.C, page 463.
- b. Development Document for the Proposed Effluent Limitations Guidelines and Standards for the Metal Products and Machinery Point Source Category (EPA#: 821-B-00-005)

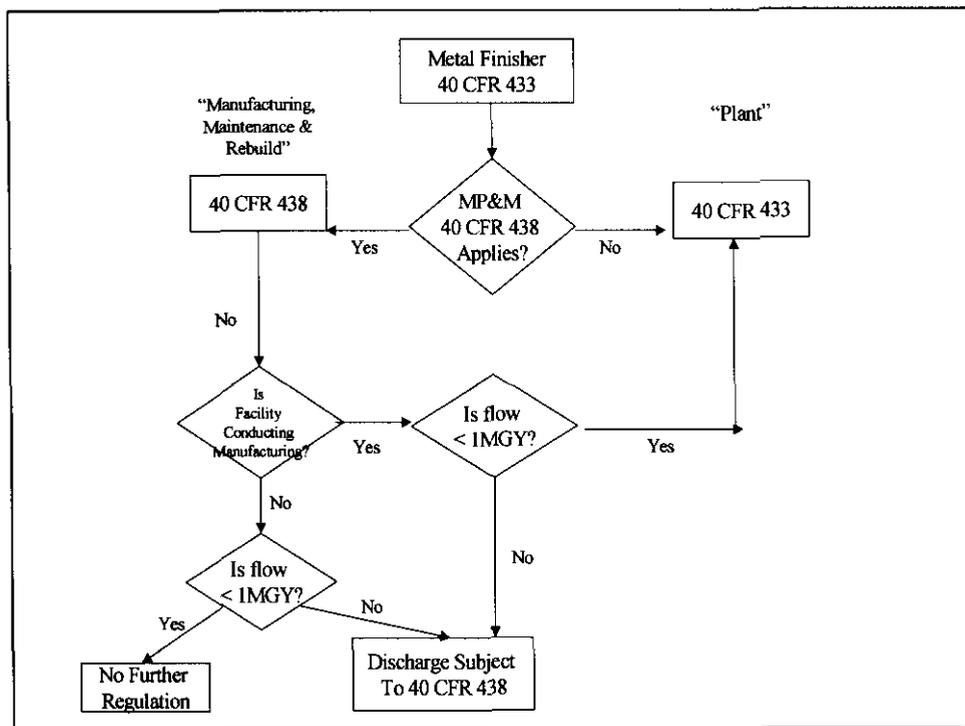


Figure 1. Applicability of 40 CFR 433 and 40 CFR to 438 to Metal Finishers

6. Adopt Option 6 Technology for the Railroad Line Maintenance Subcategory

DoD encourages EPA to consider changing the basis of the Best Practicable Control Technology Currently Available (BPT) and Best Available Technology Economically Achievable (BAT) limitations under the Railroad Line Maintenance Subcategory to oil-water separation technology. Many of DoD’s facilities have locomotive maintenance shops/roundhouses where maintenance of locomotives and cars takes place. Nearly all of these facilities have oil-water separators (Option 6 technology) that discharge their effluent directly to a receiving stream or to a wastewater treatment plant (FOTW or POTW) and each facility has either a permitted outfall or pretreatment limits with which the discharge must comply. This supports the comment and data received from the American Association of Railroads concerning the direct discharge railroad maintenance facilities. Namely, that the prevalent treatment technology is oil-water separation.

Recommendation: Base the Railroad Line Maintenance Subcategory BPT and BAT discharge limitations on the Option 6 oil-water separation technology instead of Dissolved Air Flootation (DAF).

Reference:

NODA, Section IX.F.1, pages 38804-5.

7. **Oppose Addition of a Sand Filter To The BAT Technology Option For Metal-Bearing Subcategory**

The addition of a sand filter to the BAT Technology Option is not a cost-effective solution to maintaining consistent effluent quality. The addition of sand filters to meet EPA requirements will increase both capital cost and operation and maintenance costs. Sand filters are not easy treatment systems to maintain, and require a highly trained operator. Sand filter treatment systems are vulnerable to clogging, fouling, and channeling. The NODA itself acknowledges that the addition of a sand filter is not expected to provide much additional pollutant removal when clarifiers are operating properly. Environmental benefits are doubtful, so sand filters are not worth the investment by the regulated community.

Recommendation: Drop consideration of the addition of a sand filter to the BAT for metal-bearing subcategory.

Reference:

NODA Section III F.3, page 38765

8. **Oppose Inclusion of Non-Lead-Based Paint Stripping Into the Definition of Oily Operations**

EPA requested comment on whether non-lead based-paint stripping operations should be included in the “oily operations” definition. Paint stripping operations can be based on dry (e.g., media blast) or wet (e.g., solvent) technology. Dry-based stripping technology would not generate any wastes that discharge to wastestreams. Wastes from dry paint stripping would be treated and disposed of as solid hazardous wastes depending on their toxicity characteristics. Wastes generated from wet-based paint stripping do not necessarily exhibit the characteristics defined in the Oily Waste Subcategories.

Recommendation: Do not include paint stripping for non-lead-based paints in the definition of “oily operations.” However, if EPA decides to do so, clarify what types of non-lead-based paint stripping meet the characteristics of “oily operations.”

Reference:

NODA Section IV.A, page 38766