



# UNIFORM NATIONAL DISCHARGE STANDARDS (UNDS) FOR VESSELS OF THE ARMED FORCES

*Section 312(n) of the Clean Water Act (CWA) was added in 1996 to establish the Uniform National Discharge Standards (UNDS).*

## WHAT IS UNDS?

- UNDS will set national standards for the required use of marine pollution control devices (MPCD) to control discharges incidental to the normal operation of a vessel of the Armed Forces. Section 312(n) of the Clean Water Act requires the Environmental Protection Agency (EPA) and the Department of Defense (DoD) to identify and evaluate discharges of Armed Forces vessels to determine which discharges require control for protection of the environment and to set standards for those discharges. EPA and DoD anticipate that the standards will enhance environmental protection of U.S. waters by creating nationally protective standards for discharges incidental to the normal operation of a vessel of the Armed Forces. UNDS is being implemented in three phases through a partnership between EPA and DoD.
- Phase I (Completed May 1999) identified and characterized 39 discharges; 25 were determined to require control using an MPCD. A MPCD is any equipment, material substitution, or management practice designed to treat, retain, or control discharges from a vessel of the Armed Forces.
- Phase II is currently underway and will establish performance standards to control the 25 discharges in three separate rulemakings. EPA and DoD, in consultation with the U.S. Coast Guard, are working together to develop MPCD performance standards for the discharges. The first rulemaking will include the following 11 discharges: aqueous film forming foam, chain locker effluent, distillation and reverse osmosis brine, elevator pit effluent, gas turbine water wash, non-oily machinery wastewater, photographic laboratory drains, seawater cooling overboard discharge, seawater piping biofouling prevention, small boat engine wet exhaust, and welldeck discharges.
- During Phase III, DoD will establish regulations governing the design, construction, installation, and use of MPCDs to meet the performance standards established in Phase II.

## WHAT VESSELS ARE REGULATED?

- UNDS applies to discharges incidental to the normal operation of a vessel of the Armed Forces (i.e., Army, Navy, Marine Corps, Air Force, Military Sealift Command, and U.S. Coast Guard vessels).
- UNDS applies to discharges in waters of the United States and extend seaward out to 12 nautical miles from the coastline.
- UNDS does not apply to discharges from Army Corps of Engineers vessels, Maritime Administration vessels, memorial and museum vessels, time- and voyage-chartered vessels, vessels under construction, vessels in dry dock, vessels owned and operated by state or tribal entities, commercial vessels, private vessels and amphibious vehicles.

## HOW WILL UNDS AFFECT STATES?

- Clean Water Act Section 312(n) preempts states from regulating all of the discharges identified during Phase I, both the 14 discharges that do not require control and the remaining 25 discharges for which UNDS are being developed. EPA and DoD continue to communicate with state regulatory and coastal program representatives, and Native American tribes.
- The statute allows states to petition EPA and DoD to review the determinations made under Phase I and the MPCD performance standards established under Phase II.
- The statute also enables a state to petition EPA to establish No-Discharge Zones for a category of discharge incidental to the normal operation of a vessel of the Armed Forces.

## FOR MORE INFORMATION ABOUT UNDS

- Visit our UNDS website at <http://www.epa.gov/vessels-marinas-and-ports/uniform-national-discharge-standards-unds-homepage>
- Contact Katherine Weiler in the Oceans and Coastal Protection Division at 202-566-1280.

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