

# Uniform National Discharge Standards (UNDS) 33 U.S.C. §1322(n)



# Outline

- Purpose of Federalism Briefing
- Brief History and Overview of UNDS
- Purpose and Applicability of UNDS
- Regulatory Approach (Phases I – III)
- Comments



# Federalism – Executive Order 13132

- The Order recognizes that – generally - issues that are not national in scope or significance often are most appropriately addressed by state and/or local governments
- However, for certain issues that are national in scope, federal law or regulation sometimes must take precedence over existing state or local government law and must preempt any future state or local law that is inconsistent with federal law or regulation
- The Order directs Federal agencies to consult with state and local government officials when developing regulations that – among other things -- preempt state or local law
- Once UNDS is promulgated, any existing state or local regulations for discharges from vessels of the Armed Forces will be nullified and future State or local regulatory action will be preempted



# What is Uniform National Discharge Standards (UNDS) ?

- Amendment to Section 312 of the Clean Water Act
- Joint rulemaking with Department of Defense (DoD)
  - Navy has executive lead for DoD
  - Rulemaking performed in consultation with USCG
- Applicable to a vessel of the Armed Forces operating in waters of the US and extending into the ocean for 12 miles
  - Navy, US Coast Guard, Air Force, Army
- Regulates discharges incidental to the normal operation of a vessel of the Armed Forces
- Does not regulate blackwater (sewage)



# UNDS Authorization

- Authorizes EPA and DoD
  - To identify and evaluate which discharges require control for protection of the environment
  - To establish marine pollution control devices (MPCDs) and standards
- USCG shall and states may enforce performance standards
- Allows states, working with EPA, to establish no-discharge zones for one or more discharges



# UNDS Definitions

- Discharge: Point or non-point sources (except sewage and solid waste) into the water column incidental to normal operation, repair, testing, or maintenance of Armed Forces vessels
  - Chain locker effluent, elevator pit effluent, photo lab drains, weather deck runoff, well deck discharges, etc.
- Marine Pollution Control Device (MPCD): Any equipment OR management practice, for installation or use on board a vessel, designed to receive, retain, treat, control, or eliminate a discharge



# UNDS Purpose

- Environmental Protection
  - Non-indigenous organisms (potentially allowing for establishment of an invasive species)
  - Nutrients
  - Oil and Grease
  - Metals
  - Pathogens
  - Toxic and non-conventional pollutants with toxic effects (e.g., aqueous film forming foam, volatile and semi-volatile organic compounds)
- Operational Flexibility: Enhance the operational flexibility of vessels of the Armed Forces domestically and internationally
- Innovation: Stimulate the development of vessel pollution control technology



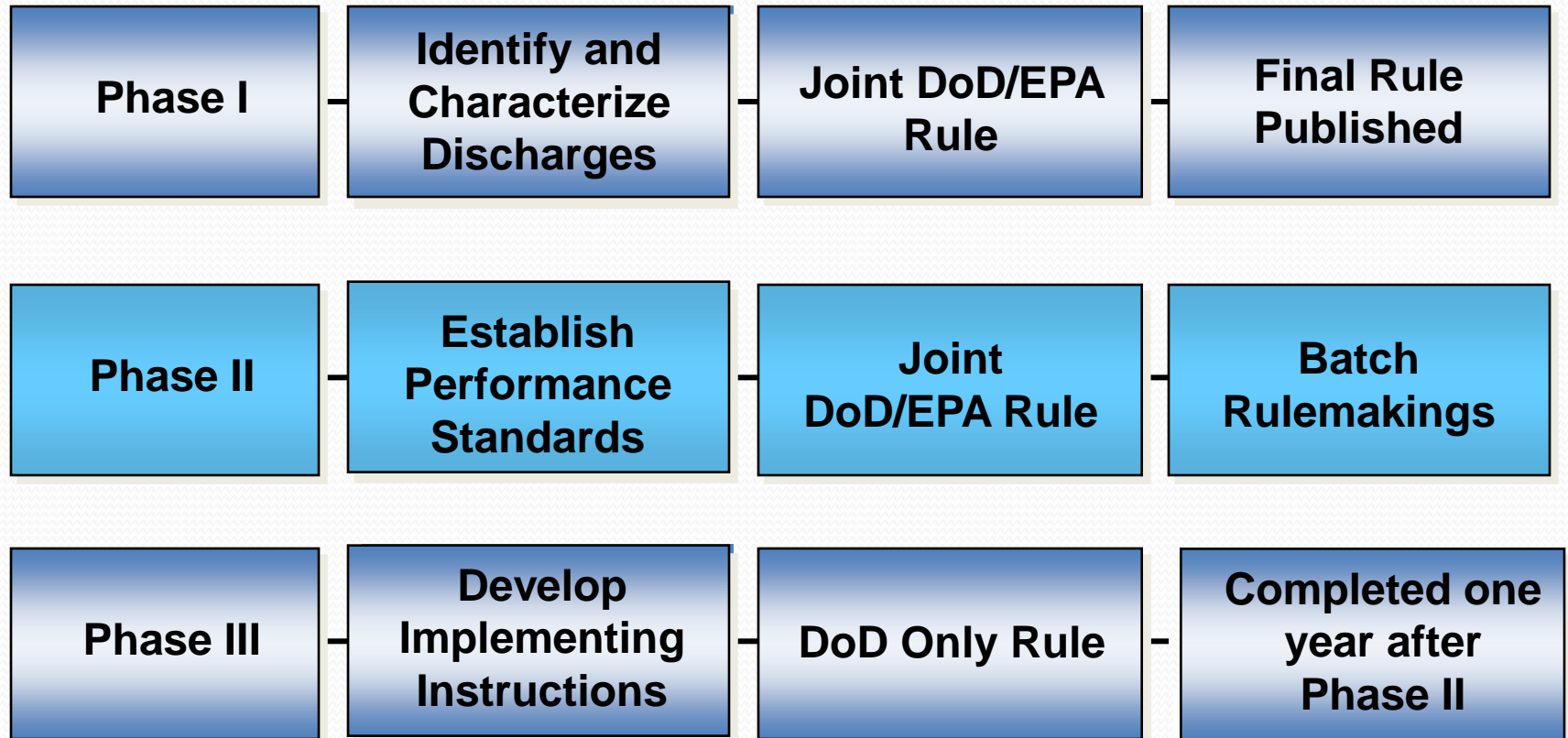
# UNDS Vessel Universe

- Approximately 6,300 vessels of the Armed Forces
  - 1161 Large vessels > 79 feet
  - 5144 Small vessels < 79 feet
- Largest Navy presence in six states
  - CA, CT, FL, HI, VA, WA
- Largest USCG presence in 15 states
  - AK, AL, CA, CT, FL, HI, MA, MD, ME, NJ, RI, SC, TX, VA, WA





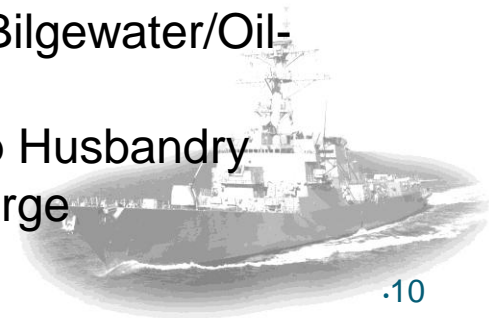
# Rulemaking: Phased Approach



# Phase I: Results – May 1999

**Navy and EPA identified 39 discharges from a vessel of the Armed Forces and determined that 25 require control**

- Aqueous Film-Forming Foam
- Catapult Water Brake Tank & Post-Launch Retraction Exhaust
- Chain Locker Effluent
- Clean Ballast
- Compensated Fuel Ballast
- Controllable Pitch Propeller Hydraulic Fluid
- Deck Runoff
- Dirty Ballast
- Distillation & 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
- Underwater Ship Husbandry
- Welldeck Discharge



# Phase II: Overview

- Requires identification and evaluation of potential marine pollution control devices (MPCDs) for the 25 UNDS discharges identified in Phase I as requiring control
- Establishes performance standards based on the environmental performance of feasible MPCDs



# Phase II: Performance Standards

- May be based on numerical limits
- May include management practices
  - Pollution prevention activity on-board to reduce or eliminate adverse characteristics (e.g., material substitution, good housekeeping)
  - Collect, hold, and offload to a shore reception facility
- May vary by
  - Distance from shore
  - Vessel class, type, age, and design



# Phase II: Approach

- EPA and Navy are preparing to propose language that mirrors the Vessel General Permit (VGP) and the Small Vessel General Permit (sVGP) requirements for UNDS discharges that have a VGP/sVGP equivalent
- Establishing discharge standards in two “batches”
  - Batch One – 11 Discharges
  - Batch Two – 14 Discharges



# UNDS Batch One Rulemaking

- 11 Discharges
  - Aqueous Film-Forming Foam
  - Chain Locker Effluent
  - Distillation & 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
  - Welldeck Discharge



# UNDS Batch Two Rulemaking

- 14 Discharges
  - Catapult Water Brake Tank & Post-Launch Retraction Exhaust
  - Clean Ballast
  - Compensated Fuel Ballast
  - Controllable Pitch Propeller Hydraulic Fluid
  - Deck Runoff
  - Dirty Ballast
  - Firemain Systems
  - Graywater
  - Hull Coating Leachate
  - Motor Gasoline Compensating Discharge
  - Sonar Dome Discharge
  - Submarine Bilgewater
  - Surface Vessel Bilgewater/Oil-Water Separator
  - Underwater Ship Husbandry



# Chain Locker Effluent - DRAFT

- (a) The anchor chain must be carefully and thoroughly washed down (*i.e.*, more than a cursory rinse) as it is being hauled out of the water to remove sediment and marine organisms. In addition, chain lockers must be cleaned periodically to eliminate accumulated sediments and any potential accompanying pollutants.
  
- (b) For vessels that (at least once per month) sail beyond waters subject to UNDS, if technically feasible, periodically clean, rinse, and/or pump out the space beneath the chain locker prior to entering waters subject to UNDS (preferably mid ocean) if the anchor has been lowered into any nearshore waters. Furthermore, for vessels that sail beyond waters subject to UNDS at least once per month, chain lockers shall not be rinsed or pumped out within waters subject to UNDS, unless not emptying them would compromise safety. Such a safety claim and the date of any rinsing conducted within waters subject to UNDS must be recorded in the ship's log or other vessel recordkeeping documentation. The dates of all chain locker inspections also must be recorded in the ship's log or other vessel recordkeeping documentation.





# Distillation and Reverse Osmosis Brine - DRAFT

Brine from the distillation system and reverse osmosis reject water shall not be discharged if it contains or comes in contact with machinery or industrial equipment (other than that necessary for the production of pure water and potable water), toxic or hazardous materials, or wastes.



# Elevator Pit Effluent - DRAFT

Discharges of untreated elevator pit effluent are not authorized within waters subject to UNDS except in cases of emergency.

Elevator pit effluent may be discharged within waters subject to UNDS if it is treated with an oily-water separator and discharged with an oil content below 15 ppm as measured by EPA Method 1664 or other appropriate method for determination of oil content as accepted by the International Maritime Organization (IMO) (e.g. ISO Method 9377) or U.S. Coast Guard. Emergency discharges must be documented in the ship's log or other vessel recordkeeping documentation.



# How do I learn more about UNDS?

- UNDS “Fact Sheet”
- UNDS Website
  - <http://water.epa.gov/lawsregs/lawsguidance/cwa/vessel/unds/index.cfm>
- Contact Katherine Weiler
  - (202) 566-1280
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# Comments

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