

Disclaimer

The following EPA presentation is intended to provide information to the public regarding the Uniform National Discharge Standards (UNDS) Phase II Batch Three rulemaking. Neither the slide presentation, nor remarks of participants represent final agency decision regarding the UNDS rulemaking.

Webinar Logistics

How to Ask a Question

- If you are participating via Teams
 - Raise your hand
 - Submit the question through the Teams Chat
- If you are participating via telephone
 - Unmute your phone by dialing *6
 - Please re-mute your phone by dialing *6 after you are finished asking a question

Today's webinar will not be recorded



Uniform National Discharge Standards (UNDS)

Tribal Consultation
June 2, 2026



Outline

- Program Overview
 - Statutory Authority
 - Purpose
 - Vessel Universe
- Rulemaking Approach
- Phase II Batch Three
- Next Steps & Discussion



(U.S. Navy photo by Mass Communication Specialist 2nd Class Nicholas V. Huynh)



Program Overview

UNDS Authorization

- Authorizes EPA and DoW
 - To identify and evaluate which discharges require control for protection of the environment
 - To establish MPCDs
- U.S. Coast Guard shall and states may enforce performance standards
- Allows states, working with EPA, to establish no-discharge zones for one or more discharges



(U.S. Navy phot Navy Petty Office 3rd Class Aaron Haro Gonzalez)

What is UNDS?

- Amendment to Section 312 of the Clean Water Act in 1996
- Regulates discharges incidental to the normal operation of a vessel of the Armed Forces
- Applicable to a vessel of the Armed Forces operating in waters of the U.S. and extending into the ocean for 12 miles
- Joint rulemaking with Department of War (DoW)



(U.S. Navy photo by Mass Communication Specialist 2nd Class James Finney)

UNDS Purpose

- Environmental protection
- Provide a single national standard
- Stimulate development of vessel pollution control technology



Tribal Consultation



Objective:

To ensure *early* and *meaningful* Tribal input into Agency decisions when EPA actions and decisions may affect Tribal interests.

Reason for Tribal Interest:

The UNDS rulemaking *will not* affect vessels operated by Tribes, as UNDS rules only regulate discharges from vessels of the Armed Forces. Tribes may be interested in how the rule proposes to regulate these discharges to meet the environmental protection goals of the Clean Water Act.

Consultation Period:

May 15 through July 14, 2026

Definitions

- Discharges incidental to the normal operation of a vessel: any pollutant discharged from the normal operation, repair, testing, or maintenance of vessels
 - Graywater, ballast water, bilgewater, chain locker effluent, weather deck runoff, etc.
- Marine Pollution Control Device (MPCD): any equipment or management practice designed to retain, treat or control discharges of a vessel



U.S. Coast Guard photo by Joseph P Cirone

Armed Forces Vessel Universe

- ~ 6,080 vessels
 - 1063 large > 79 ft.
 - 5017 small < 79 ft.
- Largest Navy presence
 - CA, CT, FL, HI, VA, WA
- Largest USCG presence
 - AK, AL, CA, CT, FL, HI, MA, MD, ME, NJ, RI, SC, TX, VA, WA

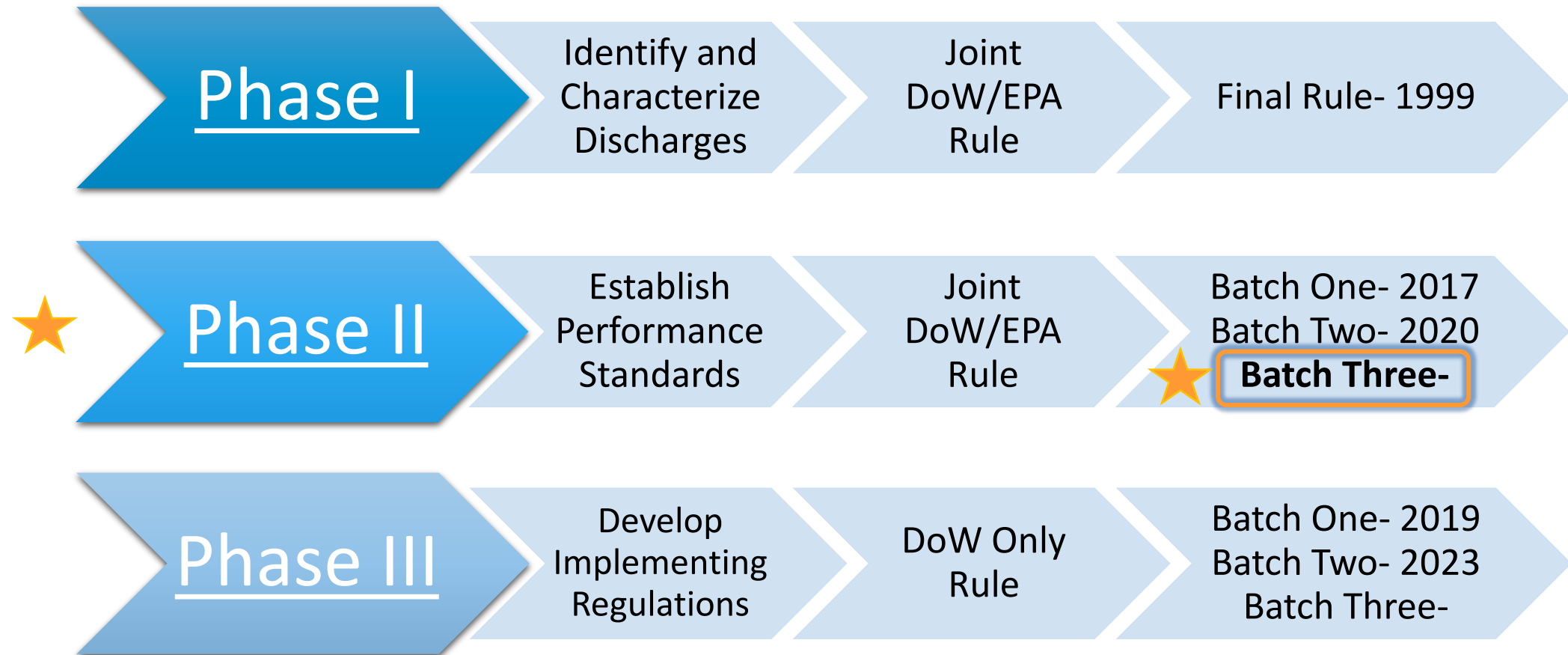
(U.S. Navy photo Mass Communication Specialist 2nd Class Kaitlyn E. Eads)





Rulemaking Approach

Three Phases-Three Batches



After Phase III, states are prohibited from regulating UNDS discharges

Phase II: Performance Standards

- May vary by
 - Vessel class, type, and size
 - Age of vessel
- 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)
 - Collect, hold and offload to a shore reception facility

Batch One



- Phase II - Final Rule: **January 2017**
- Phase III – DoW Implementing Regulations: **July 2019**



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

Batch Two



- Phase II - Final Rule: 2020
- Phase III – DoW Implementing Regulations: 2023

11 Discharges

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



(U.S. Navy photo by Mass Communication Specialist 2nd Class Minh-Thy H. Chu)

Batch Three

- Phase II - Final Rule:
Anticipated 2027
- Phase III – DoW
Implementing Regulations:
TBD

3 Discharges:

- Clean Ballast
- Compensated Fuel Ballast
- Dirty Ballast



(U.S. Navy photo by Petty Officer 2nd Class Riley Ga)



Phase II Batch Three

Ballast Water

What it is: The water taken onboard a vessel and stored temporarily in tanks to control or maintain the stability of the vessel

Why it matters:

Large volumes of water transferred from one port to another can be a significant vector for **aquatic nuisance species (ANS)**

Water may contain constituents of concern, e.g., pathogens, pollutants, metals, etc.



Clean Ballast

~330 vessels

- Seawater or freshwater introduced into dedicated ballast tanks to adjust buoyancy, stability, etc.
- Contents are not mixed with fuel or oil.
- Potential releases to the environment:
 - Plants and animals (aquatic nuisance species) including microorganisms and pathogens native to area(s) where the water was brought onboard.
 - Metals and chemicals from contact with piping systems and tank coatings.

Compensated Fuel Ballast

~**163** vessels

- Compensated ballast tanks are used for fuel storage and maintaining stability; continuously replace fuel with water in a system of tanks as fuel is consumed.
- Full of either fuel, seawater, or a combination of both.
 - When both are present, the fuel floats on top due to density.
- As fuel is consumed, water is taken in to maintain constant weight.
- Potential releases to the environment:
 - Copper, nickel, silver, thallium, zinc, benzene, phenol, toluene, mercury and fuel residues/constituents.
 - Occur through turbulence mixing, incorrect fuel level readings due to trapped pockets of fuel/seawater, and soluble fuel dissolved in seawater.

- Water pumped into fuel tanks for improved stability after most of the fuel is used.
- Potential releases to the environment:
 - Seawater, fuel, fuel additives, materials in the ballast system and zinc anodes in fuel tanks.
 - Constituents almost identical to compensated fuel ballast: Copper, nickel, iron, silver, zinc, 2-propenal, benzene, toluene, ethylbenzene, phenol, and mercury.



Next Steps

How to Provide Feedback

Consultation Period: May 15 through July 14, 2026, at 11:59 pm EST

Government-to-Government Consultations*: E-mail Catherine Brady, brady.catherine@epa.gov

* Consultations must occur during consultation period

Preproposal Written Feedback:

Docket: Visit www.regulations.gov and search for EPA-HQ-OW-2026-2575, any time during the open comment period.

Mail: Attn: Catherine Brady
1200 Pennsylvania Ave NW
Mailcode:4504T
Washington, DC, 20460

Proposed Rulemaking Public Comment Period: Early 2027

Input

The EPA seeks input on the following:

- Does your Tribe have experiences with current practices related to Armed Forces ballast water discharges?
- Are there studies, data or Traditional Ecological Knowledge related to ballast water discharge that should be considered when setting performance standards?
- Are Tribes using existing practices related to discharge standards?
- What does your Tribe think that the ballast water discharge standards should include?
 - Should we consider standards similar to commercial vessels?

Examples of Commercial Vessel Ballast Standards

Numerical Limit:

- Biologic: A concentration of *E.coli* less than 250 cfu.
- Biocide: Ballast Water Management Systems using chlorine dioxide, concentrations must not exceed 200 micrograms/L.

Management Practice/Technology: Sea chest screens be maintained and kept fully intact. These screens are designed to prevent living organisms from entering ballast tanks.

Thank you!



<https://www.epa.gov/vessels-marinas-and-ports/uniform-national-discharge-standards-unds-vessels-armed-forces>



www.regulations.gov
EPA-HQ-OW-2026-2575



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U.S. Navy photo by Mass Communication Specialist 3rd Class Ignacio D. Perez