

From: Smith, Gordon CIV SEA 05
To: Aucoin, Ralph D CIV CNAL, N430; Aulson, Michelle J CIV NSWCCD West Bethesda, 6330; Baur, Jeffrey A. 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Sent: 6/29/2016 6:16:00 PM

Subject: RE: UNIFORM NATIONAL DISCHARGE STANDARDS (UNDS) BATCH TWO STANDARDS -
ADDITIONAL INFORMATION PROVIDED

Attachments: FRNOTICE -UNDS-BatchTWO 6.29. 16WORKGROUP REVIEW.doc; Workgroup Comment
Responses on UNDS Batch Two Standard 6-23-16.pdf

UNDS Armed Forces Work Group Members,

This email forwards the two documents mentioned in the original email below. While there is no specific action, you may find that these documents provide background that helps you in your review of the Proposed Batch Two UNDS Discharge MPCD performance standards:

* The first document is a draft Notice of Proposed Rulemaking. This is the document that will appear in the Federal Register announcing the intent to establish UNDS Batch Two performance standards and describing the process the public has for commenting on those proposed standards. The last 19 pages of this document make up the standards we are proposing, and that you are already reviewing.

* The Second document is a table of comments previously received from the Armed Forces Work group, along with a response or description of how those comments are addressed in the content of the proposed standard.

v/r
Gordon Smith
Engineering Manager, Uniform National Discharge Standards
NAVSEA (SEA 05P5)
202-781-3651

-----Original Message-----

From: Smith, Gordon CIV SEA 05

Sent: Thursday, June 23, 2016 9:25 AM

To: Aucoin, Ralph D CIV CNAL, N430; Aulson, Michelle J CIV NSWCCD West Bethesda, 6330; Baur, Jeffrey A. CIV USFF, N43; Blair, James M CIV SEA21, SEA21A; Bowman, Joshua CIV NAVSEA, SEA 05; Breslin, David A CIV NAVSEA HQ, SEA 05; Bresnan, Michael R CIV COMPACFLT, N43; Brown, Gregory M CIV NAVSEA HQ, SEA 05; Bullard, William S CIV NAVFAC MIDLANT, EV; Cable, Christopher W CIV NAVSEA HQ, SEA 05; Calvert, Willard R CIV NAVSEA HQ, SEA 05; 'david.j.carrillo10.civ@mail.mil'; Cartwright, David A CIV NAVSEA HQ, SEA05; Chang, Milton V CIV NAVSEA HQ, SEA 05; Cole, Toby P CIV NSWCCD West Bethesda, 6330; Cotnoir, David CIV NAVFAC MIDLANT, EV; CRAWFORD, SHAWN P CDR CNAP, N45; 'james.r.crouse.mil@mail.mil'; Curtis, Christopher S CIV NUWC NWPT; Deatherage, Thomas L Jr CIV COMSUBLANT, N451; Decamp, Chris E CIV SEA 07/07T; Dimichele, Leslie J CIV NSWCCD West Bethesda, 6330; Dussia, Mark E CIV USFF, N46; Fair, Christopher K CIV NAVSEA HQ, SEA 05; Faryan, Marykay CIV N05; Fernan, James B CIV MSCHQ; Fletcher, Steven G CIV NAVSEA HQ, SEA 05; Foster, Larry M CIV COMPACFLT, N465; 'john.gordon@us.af.mil'; Grant, Robert T CIV CNSP, N4342.; Harrison, James D CIV NAVSEA HQ, SEA 05; Harrison, Steven J CIV NAVSEA HQ 05N; Haslbeck, Elizabeth G CIV NSWCCD West Bethesda, 614; Hettema, Charles D CIV NAVSEA 05P3; Hill, Jim F CTR NSWCCD, H22; Holm, Eric R CIV NSWCCD W. Bethesda, 614; Hoskins, Clint CDR COMNAVAIRLANT, N434; Huber, Michael CIV CNRSW, N40 Env; Hunstad, Mary P CIV NAVSEA HQ, SEA 05; Ingle, Mark W CIV NAVSEA HQ, SEA 05; 'larry.isaacs@us.af.mil'; Jabloner, Matt L CIV NAVFAC NW, EV11; Jacobs, Rachel N CIV NSWCCD W. Bethesda, 6330; Johnson, Roy T III CTR CNAP; Johnson, Roy L CIV; Klein, David L CIV CNAP N434A; 'kyle.c.klinedinst@uscg.mil'; Kopack, David F CIV SEA 04, 04R; Lam, Phil CIV CNSP, N43; Lattner, Mark K CIV NAVSEA HQ, SEA 05; Leung, Richard R CIV NAVSEA HQ, SEA05; Livingston, Brent S LCDR COMSUBLANT, N451A; Long, Patrick R CIV NSWCCD West Bethesda, 63001; Marvin, Richard D CIV SEA 08 NR; Mau, Roger G CIV NAVSEA HQ; McCoy, Gordon K CIV NAVSEA HQ, SEA 05; Mccue, Thomas P CIV NAVSEA, SEA 00C; McGraw, Peter S CIV NAVSEA 05; MISHRA, Kovid CIV CNSP, N43; Morales, Ramon A CIV NSWC Philadelphia, 334; Morgan, Stuart G CNRSW, N40; Morrison, Jillian L CIV NAVSEA, SEA 00L; 'dale.murad@uscg.mil'; Murray, Mark J CIV COMPACFLT, N465MM; Nestle, Holly L CIV NAVSEA HQ, SEA 05P5; 'anderson.j.ogg@uscg.mil'; 'davis.oishi.1@us.af.mil'; Panteleos, Nicholas CIV NAVSEA, SEA 05; Park, Christine S CIV NSWCCD West Bethesda, 6330; Pletke, Mike CIV OPNAV, N45; Ramotowski, Thomas S CIV NUWC NWPT; Rivera, Ignacio D CIV SPAWARSCEN-PACIFIC, 71750; Romeo, James R CIV COMNAVSURFLANT N43; Rousseau, Michael P CIV NUWC NWPT; Saba, Paul G CIV NSWC Philadelphia, 334; Sakai, Craig K CIV I&L, LFL; Sandidge, Carroll J CIV USFF, N46; Schleicher, Dean M CIV NAVSEA HQ SEA 05; Schuh, Rita L CIV NSWCCD W. Bethesda, 6330; Schumann, Jeffrey H CIV NAVSEA HQ, SEA 05; Smith, Gordon CIV SEA 05; Smith, Stephanie A CIV SEA 05; Wynn, Steven B CIV NAVSEA HQ, SEA 05; Batten, Timothy J CTR PEO SUB, PMS 450; Catalfamo, Joseph CTR PEOSUB PMS450; Coakley, Stafford D CTR PEO SUB, PMS 397; Decker, Cara M CIV NNSY, Code 106.3; Destafney, Camille R CIV CNRSE N45; DUPIRACK, Rebecca L CIV NSWCCD Combatant Craft Division, NAVSEA 05; Dwyer, J David CIV NSWCCD Little Creek, 834; Edgeworth, Tommy L CDR CNATTU Lemoore, XO; Filling, James Carey CIV SEA 05; Fry, Michael G CIV PEO SUB PMS 397; Galway, Robert J CIV NAVSEA HQ, 05Z43; George, Brian E CIV NAVFAC HQ, NEPO; Grossman, Matthew R MMCM CNAL, N434B2; Hartranft, John J CIV NAVSEA HQ, SEA 05; Hicks, Daniel O CIV NSWC Philadelphia, 413; Kane, Joseph L GSCM ATG San Diego, N82; Katsuda, Jade S CIV PHNSY & IMF, 106/C106.3; Kirby, Tracy D LCDR COMPACFLT, N465TK;

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Subject: UNIFORM NATIONAL DISCHARGE STANDARDS (UNDS) BATCH TWO STANDARDS - ACTION CORRECTED - THIRD ATTEMPT TO SEND ATTACHMENTS

UNDS Armed Forces Work Group Members,

Hopefully this time the documents will go through.

1. The purpose of this email is to update you on the current status of the UNDS regulatory efforts for eleven Batch Two Discharges. We thank you for your commitment to this effort and for your reviews and input as we negotiated these standards over the past few years. You may notice that most standards have changed during the review process. Please find attached the final draft standards that EPA and Navy (N45) have proposed, as of 21 June 2016. For review purposes, we also attached additional definitions that may be useful in understanding some of the terms used. The revisions aimed to incorporate comments, cut down on repetition and wordiness, and improve clarity and consistency of language across the standards, resulting in some of the standards becoming less stringent. To avoid becoming stalled during the change of administrations following the upcoming election, a decision has been made to expedite the final review process in order to publish the UNDS Batch Two Notice of Proposed Rulemaking (NPRM) in the federal register as soon as possible. The full rulemaking package, which will include a preamble to the standards, will be formally tasked for Flag level/SES/GO review in a few weeks, so we are sending the standards today, without the preamble, so you can have an advanced review.

2. Non-Technical Revisions to Standards:

- Terminology changes, such as removal of references to "Person in charge" (PIC) and "waters subject to UNDS", "shall" changed to "must"; and in some cases, "should" replaced with "must, to the maximum extent practicable" (this still allows flexibility to the ship, so that if it is not practicable to do so, it is not mandatory).
- Definitions were expanded to reflect changes to definitions in the February 2014 Batch One standards that were proposed, such as definitions for "biodegradable," "environmentally-acceptable lubricants (EALs)," "Great Lakes," "minimally-toxic," "minimally toxic soaps, cleaners, and detergents," and "phosphate-free soaps, cleaners, and detergents"

3. Some examples of Minor Technical Revisions to Standards::

- Deck Runoff - No longer categorizes requirements by vessel length and added a new requirement to prohibit flight deck washdowns within 12nm of shore (already a current requirement).
- Deck Runoff and Underwater Ship Husbandry - Replaced the phrases related to "proper disposal" with "disposed of onshore in accordance with any applicable solid waste or hazardous substance management and disposal requirements"
- Graywater - Requirements related to "nutrient-impaired waters" were removed - Underwater Ship Husbandry - Specific cleaning requirements were removed and the vessel is directed to follow the cleaning requirements found on the coating's FIFRA label
- Hull Coating Leachate and Underwater Ship Husbandry - Removed recordkeeping requirement for use and justification of the use of cleanings of copper-based antifouling hull coatings in "copper impaired waters"
- Motor Gasoline and Compensating Discharge and Surface Vessel Bilgewater/OWSE - Added a requirement to report oil spills to the National Response Center (already a current requirement)
- Surface Vessel Bilgewater/OWSE - Removed the requirement to "periodically check for presence of a sheen", although this practice is still implied
- Underwater Ship Husbandry - Removed reference to the use of sponges for cleaning hulls and improved/clarified the language.

4. Next Steps: The preamble will be emailed soon after we receive the final reviewed version back from EPA. Additionally when we forward the Preamble we will also include the WG comment adjudication table showing how your previous comments were addressed, or indicating comments that are now OBE based on revisions. You should receive that email no later than 29 June 2016.

5. Things to remember as you review the standard.

- a. This is a performance standard. Many details of how to comply with the standards will be covered later in Phase III of UNDS and in the subsequent Implementation phase.
- b. The implementation of the term "maximum extent practicable" will be controlled by the Armed Forces.

- c. The alternative regulatory action to these uniform standards would include unacceptable provisions. The establishment of these uniform standards protects the Armed Forces vessels from future variable local regulations.
- d. UNDS requirements only apply to waters within 12 nm of U.S. shoreline and inland waters.
- e. This language was negotiated after receiving comments from the UNDS Work group, followed by many meetings between DoD (N45) and EPA.
- f. While your desire to edit may be strong, please focus comments on errors or hard requirements that cannot be met without significant impact.
- g. We will be forwarding a matrix of previous comments, and the preamble in a week. Some of your questions may be answered by these documents.
- h. The standards can largely be met by practices and equipment that Armed Forces already employ.

6. ACTION REQUESTED:

- a. Review the standards and definitions and provide (by email) any errors or provisions that cannot be met (and why) using the attached comment form by Friday 8 July 2016 to both gordon.smith2@navy.mil and michelle.aulson@navy.mil. Editorial comments are not requested.
- b. For Army, Air Force, Coast Guard, Marine Corps, and MSC, please provide the Name, Office/Title, Email, and Phone numbers for Two people: The Primary work Group Member, and the flag officer or SES that should receive the tasker for the upcoming flag-level review of the preamble and rule.
- c. You may wish to begin notifying your chain of command that a flag review can be expected on or around 11 July 2016.
- d. For those of you who are not affected by these Batch Two discharge standards, no comment is necessary. If you feel that we have contacted you in error, please let us know and we will remove your name from the UNDS Work Group mailing list. As always, we appreciate your efforts. Feel free to contact me at 202-781-3651, or Michelle Aulson (202-781-3646) if you have any questions or would like to discuss this request.

v/r
Gordon Smith
NAVSEA (SEA 05P5)
(202) 781-3651