



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
(INSTALLATIONS AND ENVIRONMENT)
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

OCT 20 1998

Mr. John Tinger
U.S. Environmental Protection Agency
401 M Street SW, MS 4303
Washington, D.C. 20460

Re: EFFLUENT LIMITATIONS GUIDELINES, PRETREATMENT STANDARDS,
AND NEW SOURCE PERFORMANCE STANDARDS FOR THE
TRANSPORTATION EQUIPMENT CLEANING POINT SOURCE CATEGORY;
PROPOSED RULE, 63 FR 34686 (25 JUNE 1998),
DOCKET NO. W-97-25

Dear Mr. Tinger:

Enclosed are comments from the Clean Water Act Services Steering Committee on the EPA's proposed effluent limitation guidelines, pretreatment standards, and new source performance standards for the Transportation Equipment Cleaning (TEC) point source category. Although all comments provided should be considered for inclusion the Department of Defense (DoD) wishes to emphasize the following issues:

- The proposed regulations provide an exemption from the TEC effluent standard where a "facility cleans only tanks containing cargoes or commodities generated or used *on-site* or by a facility under the *same corporate structure*" (emphasis added). The terms "on-site" and "same corporate structure" are not defined in the preamble to the proposed rule or in the proposed regulations. DoD recommends that these terms be defined in the text of the final regulation or clarified in the preamble of the final rule such that facilities owned by a single federal agency (e.g., Department of Defense) meet the definition of being within the "same corporate structure." Also, define in the text of the final regulation, or state in the preamble to the final rule that the term "on-site" means all contiguous and non-contiguous areas within the established boundary (i.e., the fence line) of a federal facility.
- Although EPA acknowledges that the proposed metal products and machinery (MP&M) and transportation equipment cleaning (TEC) subcategories may overlap for purposes of effluent regulation, the Agency does not provide a mechanism to prevent such overlap for facilities engaged in both activities. The preamble states that with respect to MP&M and TEC activities, the activity that the facility "predominantly engage(s)" in should determine which effluent standards apply. The term "predominantly engage" is not defined. DoD recommends the establishment of categorical standards and limitations under the MP&M rulemaking for wastewaters discharged from the interior tank cleaning at facilities regulated under the MP&M category. This will eliminate the ambiguity for both permit writers and the regulated community.

We would be happy to discuss our comments further with you and to address any questions you may have regarding them. The technical point of contact is Ms. Maude Bullock in the Office of the Chief of Naval Operations, (703) 602-1738, email: bullockm@n4.opnav.navy.mil.

Elsie L. Munsell

Elsie L. Munsell
Deputy Assistant Secretary of the Navy
(Environment and Safety)

Attachment

Copy to:
ODUSD (ES)
ODUSD (ES EQ/CM)
HQDA, ACSIM DAIM-ED-R
SAF/MIQ
DLA (CAAE)

COMNAVSEASYS (SEA 00T)
DIRSSP (2061)
NMIC (ONI) (411)
CNET (N441)
CNR (ONR 91)
COMSUBGRU TWO (XDE)
COMFAIRCARIB (N02J)
COMNAVBASE NORFOLK (N45)
COMNAVBASE JACKSONVILLE (N4)
NTC GREAT LAKES (N45)
COMNAVBASE SAN DIEGO (N45)
COMNAVBASE PEARL HARBOR (N4)
COMNAVBASE SEATTLE (N4)
COMNAVFOR MARIANAS (N45)
PACNAVFACENGCOM PEARL HARBOR (N4)
LANTNAVFACENGCOM NORFOLK (18)
NORTHFACNAVENGCOM PHILADELPHIA (18)
SOUTHFACNAVENGCOM CHARLESTON (18)
SOUTHWESTNAVFACENGCOM SAN DIEGO (18)
ENGFLDACT CHESAPEAKE (18)
ENGFLDACT WEST SAN BRUNO (18)
ENGFLDACT NW POULSBO (09E)
ENGFLDACT MW GREAT LAKES (18)
NEFSC PORT HUENEME (ESC42)

**U.S. DEPARTMENT OF DEFENSE
CLEAN WATER ACT SERVICES STEERING COMMITTEE**

**Comments to the Transportation Equipment Cleaning (TEC)
Proposed Rule**

18 September 1998

1. The terms "on-site" and "same corporate structure" are not defined with respect to how they apply to installations owned and operated by the U.S. Department of Defense.

Comment: Proposed section 442.2 [Applicability] provides an exemption from the TEC effluent standard where a "facility cleans only tanks containing cargos or commodities generated or used on-site or by a facility under the same corporate structure." (emphasis added). The terms "on-site" and "same corporate structure" are not defined in the preamble to the proposed rule or in the proposed regulations.

Recommendation: Define in the text of the final regulation or state in the preamble to the final rule that facilities owned by a single federal agency (e.g., Department of Defense) meet the definition of being within the "same corporate structure." Also, define in the text of the final regulation, or state in the preamble to the final rule that the term "on-site" means all contiguous and non-contiguous areas within the established boundary (i.e., the fence line) of a federal facility.

Reference: Proposed 40 CFR §442.2(b) (63 Fed. Reg. at 34741).

2. The potential overlap between effluent regulations established under the TEC and Metal Products and Machinery (MP&M) rulemakings is not adequately addressed.

Comment: Although EPA acknowledges that MP&M and TEC operations may overlap for purposes of effluent regulation, the Agency does not provide a mechanism to prevent regulatory overlap for facilities engaged in both activities. The preamble states that with respect to MP&M and TEC activities, the activity that the facility "predominantly engage[s]" in should determine which effluent standards apply. However term "predominantly engage" is not defined.

A similar potential regulatory overlap exists with the proposed TEC effluent standards and the Centralized Waste Treatment (CWT) effluent standards proposed by the EPA on 27 January 1995. The Agency addressed this potential overlap in the preamble to the TEC proposed rule, stating that the ". . . standards . . . to be established for the Centralized Waste Treatment Category . . . would specifically cover tank washings at CWT facilities."

Recommendation: Establish categorical standards and limitations under the MP&M rulemaking for wastewaters discharged from interior tank cleaning at facilities regulated under the MP&M category in the same manner that EPA is proposing with the TEC and CWT categories.

Reference: Preamble Section III (63 Fed. Reg. at 34692).

3. The proposed regulations properly allow a facility in a specific subcategory to accept a variety of cargos without necessarily being subject to reclassification to another subcategory.

Comment: EPA proposes to establish effluent limitations guidelines and pretreatment standards for toxic parameters in the Barge/Chemical & Petroleum subcategory. The proposed subcategorization approach allows a facility not subject to regulation under the chemical & petroleum subcategory the flexibility to accept tanks for cleaning that held chemicals and petroleum without necessarily being subject to reclassification into that subcategory. Specifically, proposed section 442.30 provides that the provisions of the Barge/Chemical & Petroleum subcategory apply to "TEC wastewater discharged from facilities that clean tank barges or ocean/sea tankers where 10 percent or more of the total tanks cleaned at that facility in an average year contained chemical and/or petroleum cargos."

Recommendation: DoD supports the including of a production cutoff in the subcategory definitions, as it does with proposed section 442.30. However, the term "average year" is not defined and may be subject to wide and inconsistent interpretation if incorporated into the final rule. DoD recommends that the Agency replace this term in the final regulation with the term "year," defined as either a calendar year or fiscal year as appropriate for the particular facility.

Reference: Preamble Section VI.B. (63 Fed. Reg. At 34700); proposed 40 CFR §442.30 (63 Fed. Reg. At 34741).