

- Burnishing;
- Calibration;
- Electrical discharge machining;
- Iron phosphate conversion coating;
- Painting-spray or brush (including water curtains);
- Polishing;
- Thermal cutting;
- Tumbling/barrel finishing/mass finishing/vibratory finishing;
- Washing (finished products);
- Welding; and
- Wet air pollution control for organic constituents

EPA notes that this revision to the oily operations definition has the effect of moving 1,550 facilities from the General Metals subcategory to the Oily Wastes subcategory. See section V.B for the complete list of oily operations subject to regulation in today's final rule.

In addition, as discussed in the NODA, EPA is removing "laundering" from the definition of oily operations (see 67 FR 38766). EPA does not consider wastewater discharges from laundering (e.g., uniforms) at MP&M facilities to be process wastewater under the MP&M final rule. The inclusion of laundering in the proposed definition of oily operations was an oversight which the Agency has now corrected for the final rule.

At proposal, EPA excluded bilge water (or any other wastewater) from ships that are afloat from the scope of the rule; however, bilge water was inadvertently included in the oily operations definition in the NODA (see 67 FR 38765). Today's final rule corrects this and removes bilge water from the definition of oily operations. Because EPA is not promulgating limitations and standards for the Shipbuilding Dry Dock subcategory, EPA also does not consider bilge water from ships in a dry dock or similar structure (e.g., graving docks, building ways, marine railways and lift barges) a MP&M process wastewater.

c. Applicability to Certain Metal Drum Reconditioning and Cleaning Operations

At proposal EPA considered whether it should include wastewater generated from unit operations performed by drum reconditioners/cleaners to prepare metal drums for resale, reuse, or disposal in this rulemaking. These operations include chaining, caustic washing, acid cleaning, acid etching, impact deformation, leak testing, corrosion inhibition, shot blasting, and painting. In EPA's "Preliminary Data Summary for Industrial Container and Drum Cleaning Industry" (EPA-821-R-02-011), EPA did not identify any metal drum reconditioning or cleaning

facilities that discharge directly to surface waters. The Agency estimates that the drum reconditioning facilities are either indirect or zero or alternative dischargers.

EPA solicited comment on whether these facilities would be more appropriately covered under the MP&M rule or under a new industrial category of effluent guidelines for drum reconditioners (see 66 FR 434). Commentors stated that these operations should not be subject to MP&M because drum reconditioning/cleaning wastewaters are more variable than MP&M wastewaters. EPA reviewed its database on drum reconditioning operations and wastewater characteristics. EPA found that its database is insufficient to evaluate the technical and economic achievability of the options considered for today's final rule. Therefore, EPA is not including drum reconditioning and cleaning operations as within the scope of this final rule.

4. Environmental Management Systems and the Pollution Prevention Alternative

In the proposed rule, EPA discussed the use of a compliance alternative (i.e., the Pollution Prevention Alternative) for indirect dischargers in the Metal Finishing Job Shop (MFJS) subcategory (see 66 FR 511). The Pollution Prevention (P2) Alternative would act as a voluntary incentive for MFJS indirect dischargers that agreed to perform specific best management/pollution prevention practices. These MFJS indirect dischargers would be allowed to meet the pretreatment standards of part 433 in lieu of meeting the more stringent pretreatment standards of the proposed MP&M rule. Because EPA is not promulgating pretreatment standards that are more stringent than those in part 433 or part 413 for those facilities covered by part 413 pretreatment standards, EPA is not promulgating today the use of a compliance alternative for metal finishing job shops. EPA notes that many metal finishing jobs shops are currently employing best management/pollution prevention practices similar to those described in the proposal as part of the National Metal Finishing Strategic Goals Program.

As discussed in the NODA (see 67 FR 38798), EPA also considered an industry suggested alternative for the General Metals subcategory based on the use of an Environmental Management System (EMS) to mitigate economic impacts associated with today's rule. Similar in concept to the Pollution Prevention Alternative previously discussed, the

EMS compliance alternative would act as a voluntary incentive for facilities that implemented an EMS which would include specific monitoring, controls, and recordkeeping. These facilities would be allowed to meet the limitations and standards of part 433 in lieu of meeting the more stringent limitations and standards of the proposed MP&M rule.

EPA received several comments on the EMS compliance alternative. Some commentors were in favor of the EMS compliance alternative and stated that: (1) The EMS compliance alternative is an innovative tool for continually enhancing environmental regulation; (2) an EMS does not replace the need for regulatory enforcement, but can be used as a tool to enhance a facility's environmental performance; and (3) requiring ISO 14001 adds another level of compliance assurance due to independent third party auditing. Other commentors were not in favor of this EMS compliance alternative and stated that: (1) The administrative and enforcement burden for pretreatment control authorities would be excessive as it could result in protracted discussions regarding the adequacy of the EMS; and (2) the EMS compliance alternative is overly restrictive and does not allow for variability found among MP&M industries and the POTWs to which they discharge. In particular, commentors noted that requiring ISO 14001 certification is extremely expensive and would have the effect of rendering this option untenable for any small business and many larger businesses as well.

EPA encourages the wide spread use of EMSs across a range of organizations and settings, with particular emphasis on adoption of EMSs to achieve improved environmental performance and compliance, pollution prevention through source reduction, and continual improvement (see EPA Position Statement on Environmental Management Systems, May 15, 2002, DCN 17848, section 24.4). However, EPA is not promulgating an EMS-based compliance alternative for facilities in the General Metals subcategory as EPA is not promulgating limitations and standards for the General Metals subcategory (see section VI.A).

B. Decisions Regarding Methodology

Sections 11 and 12 of the TDD provide detailed description of the methodologies used to develop compliance cost estimates and pollutant reductions for this final MP&M regulation. In addition, the EEBA for the final rule provides a detailed description of the economic impacts