

## V. Scope/Applicability of the Final Regulation

### A. General Overview and Wastewaters Covered

As previously explained, today's final rule only applies to directly discharged wastewaters generated from oily operations at existing or new industrial facilities (including Federal, State and local government facilities). These facilities are engaged in manufacturing, rebuilding, or maintenance of metal parts, products or machines to be used in one of the following industrial sectors:

- Aerospace;
- Aircraft;
- Bus and Truck;
- Electronic Equipment;
- Hardware;
- Household Equipment;
- Instruments;
- Miscellaneous Metal Products;
- Mobile Industrial Equipment;
- Motor Vehicle;
- Office Machine;
- Ordnance;
- Precious Metals and Jewelry;
- Railroad;
- Ships and Boats; and
- Stationary Industrial Equipment.

EPA identified sixteen industrial sectors as comprising the MP&M category. These sectors manufacture, maintain and rebuild metal products under more than 200 different SIC codes (see the TDD for a listing of typical SIC codes and NAICS codes). EPA is not revising limitations and standards for three proposed industrial sectors (e.g., Job Shops, Printed Wiring Board, and Steel Forming & Finishing).

Facilities in any one of the sixteen industrial sectors in the MP&M category are subject to this rule only if they directly discharge process wastewaters resulting from one or more of the following oily operations: Abrasive blasting; adhesive bonding; alkaline cleaning for oil removal; alkaline treatment without cyanide; aqueous degreasing; assembly/disassembly; burnishing; calibration; corrosion preventive coating (as specified at 40 CFR 438.2(c) and appendix B of part 438); electrical discharge machining; floor cleaning (in process area); grinding; heat treating; impact deformation; iron phosphate conversion coating; machining; painting-spray or brush (including water curtains); polishing; pressure deformation; solvent degreasing; steam cleaning; testing (e.g., hydrostatic, dye penetrant, ultrasonic, magnetic flux); thermal cutting; tumbling/barrel finishing/mass finishing/vibratory finishing; washing (finished products); welding; wet air

pollution control for organic constituents; and numerous sub-operations within those listed in this paragraph. In addition, process wastewater also results from associated rinses that remove materials that the preceding processes deposit on the surface of the workpiece. These oily operations are defined in section 4 of the TDD and appendix B of today's final rule. In addition, today's final rule does not apply to direct discharges of wastewaters that are otherwise covered by other effluent limitations guidelines.

As was the case at proposal, EPA defines process wastewater for the final rule to include wastewater discharges from the following activities: (1) Wastewater from air pollution control devices; and (2) washing vehicles only when it is a preparatory step prior to performing an oily operation (e.g., prior to disassembly to perform engine maintenance or rebuilding). EPA has adopted this approach for the final rule due to the potential of these unit operations to produce significant quantities of pollutants in wastewaters (see 66 FR 433 to 434).

Not subject to this final rule are non-process wastewater discharges which include the following: Sanitary wastewater, non-contact cooling wastewater, laundering wastewater, and non-contact storm water. In addition, non-process wastewater also includes wastewater discharges from non-industrial sources such as residential housing, schools, churches, recreational parks, shopping centers, and wastewater discharges from gas stations, utility plants, and hospitals.

In addition to non-process wastewater, the final rule does not apply to wastewater generated from: (1) Gravure cylinder and metallic platemaking conducted within or for printing and publishing facilities; (2) bilge water on ships afloat; (3) electroplating-type operations during semiconductor wafer manufacturing or wafer fabrication processes occurring in a "clean room" environment; (4) the washing of cars, aircraft or other vehicles when it is performed only for aesthetic/cosmetic purposes; (5) MP&M operations at gasoline stations (SIC code 5541) or vehicle rental facilities (SIC code 7514 or 7519); or (6) unit operations performed by drum reconditioners/refurbishers to prepare metal drums for reuse. The final rule does not include these non-process wastewaters within the scope of the rule for the reasons explained in the preamble to the proposed rule (see 66 FR 433). EPA received no comments on the proposal or NODA that have caused the Agency to change its mind about the

approach it proposed and has now adopted.

EPA is also not promulgating limitations and standards for facilities in the Shipbuilding Dry Dock subcategory. Today's final rule does not cover wastewater generated on-board ships and boats when they are afloat (that is, not in dry docks or similar structures), flooding water, and dry dock ballast water (see 66 FR 445). For U.S. military ships, EPA is in the process of establishing standards to regulate discharges of wastewater generated on-board these ships when they are in U.S. waters and are afloat under the Uniform National Discharge Standards (UNDS) pursuant to section 312(n) of the CWA (see 64 FR 25125, May 10, 1999).

Finally, today's rule does not apply to maintenance or repair of metal parts, products, or machines that takes place only as ancillary activities at facilities not included in the sixteen MP&M industrial sectors. EPA estimates that these ancillary repair and maintenance activities would typically discharge *de minimis* quantities of process wastewater. For example, wastewater discharges from repair of metal parts at oil and gas extraction facilities are not subject to today's final rule. The Agency finds that permit writers will establish limits using best professional judgment (BPJ) to regulate wastewater discharges from ancillary waste streams for direct dischargers (see 66 FR 433). EPA has not received any information during the rulemaking that would contradict this conclusion.

### B. Subcategorization

For today's final rule, EPA is subcategorizing the MP&M point source category based on the unit operations described in more detail in section 4 of the TDD, and is establishing limitations and standards for direct dischargers in the Oily Wastes subcategory (subpart A).

The Oily Wastes subcategory applies to wastewaters generated from "oily operations" that are not otherwise covered by other effluent limitations guidelines. EPA has previously defined "oily operations" in section V.A and at 40 CFR 438.2(f) and appendix B of today's final rule.

Facilities engaged in the manufacture, overhaul or heavy maintenance of railroad engines, cars, car-wheel trucks, or similar parts or machines ("railroad overhaul or heavy maintenance facilities") typically perform different unit operations than railroad line maintenance facilities. Railroad line maintenance facilities only perform one or more of the following unit operations including; Assembly/disassembly, floor