Advice & Counsel



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MP&M Aftermath

The phone calls following the issuance of EPA's proposed Metal Products & Machinery (MP&M) regulations were frequent and posed some interesting questions, which we will cover over the next few months:

Question: Whatever happened to the low volume cutoff? I thought that companies discharging below some level of annual volume (1,000,000 gal was at one time talked about) would be exempt from MP&M.

Answer: We will let EPA provide the answer from the pre-proposal document:

"With respect to alternatives, first, EPA analyzed a 1 MGY flow cutoff, which would exclude 831 of the 1.514 estimated metal finishing jobshop facilities (or 457 of the 1,231 facilities after baseline closures are removed from the analysis), and would reduce the economic impacts for 23 of the 128 facilities EPA projected would close under Option 2. This represents less than 2 percent of the 1,231 metal finishing jobshops that operate in the baseline and 18 percent of the projected facility closures under Option 2. This means that there are still 105 of the 128 facilities that EPA predicts to close with a 1 MGY flow cutoff. Further, EPA determined that the proposed regulation would control an average of 135 pound-equivalents per year from facilities discharging less than 1 MGY. This is higher than the level at which EPA has previously determined that discharges are not significant enough to warrant national regulation. Facilities discharging less than 1 MGY are associated with removals under the proposed option of about 61,000 pound-equivalents (or about 3 percent of the removals associated with the proposed option)

at an incremental cost-effectiveness of about \$300 per pound-equivalent (\$1,981). This is higher than what has generally been associated with pretreatment standards in the past, though not necessarily higher than has been associated with the smaller facilities regulated with pretreatment standards in the past. This is to be expected because smaller facilities incur the same level of costs for monitoring as larger facilities, and are sometimes forced to purchase larger capacity treatment units than they would need because of availability. Nonetheless, the Agency concluded that the pollutant reductions associated with Option 2 were feasible and achievable, and that the economic impacts were not substantially mitigated under the 1 MGY flow cutoff, so a 1 MGY flow cutoff is not being proposed for the Metal Finishing Jobshops subcategory. EPA requests comment on the use of a flow cutoff for this subcategory.

"Second, EPA considered an option with (a) MP&M pretreatment standards for facilities discharging greater than 1 MGY, and (b) a pollution prevention alternative for those discharging less than 1 MGY. Under this option, EPA would exclude from the MP&M numeric pretreatment standards based on Option 2 those metal finishing jobshops discharging less than 1 MGY that choose to perform the pollution prevention and water conservation activities discussed in Section XXLD (referred to as the "P2 alternative"). EPA would require the low flow facilities to continue to meet the pretreatment standards codified at 40 CFR Part 433, which remain unchanged by today's proposal. All facilities discharging greater than 1 MGY (and those facilities discharging less than 1 MGY but not choosing the P2

alternative) would be subject to the MP&M pretreatment standards for this subcategory. In analyzing this option, EPA assumed that all facilities discharging less than 1 MGY chose the P2 alternative. EPA's analysis shows that this option would reduce the facility closures for 23 of the 128 facilities EPA projected would close under Option 2 (no flow cutoff). As with the 1 MGY flow cutoff approach discussed above, this represents less than 2 percent of the 1,231 metal finishing jobs that operate in the baseline and about 18 percent of the closures projected by the proposed option. Further, although the P2 alternative would be somewhat effective in reducing toxic discharges, the option is not as protective as the numeric pretreatment standards based on Option 2. For facilities discharging less than 1 MGY, EPA estimates that the P2 alternative would control 59 pound-equivalents per facility per year (compared to 135 poundequivalents per facility at Option 2). Therefore, EPA is not proposing the option of a 1 MGY flow cutoff combined with a P2 alternative for today's proposal. EPA solicits comment and data on the pollutant reductions that can be achieved using the practices outlined in Section XXI.D.

"Third, EPA analyzed a 2 MGY flow cutoff, which would exclude 1,024 facilities (66 percent) from MP&M pretreatment standards. Excluding a larger number of facilities (compared to the 1 MGY cutoff option) resulted in a smaller number of facility closures. For this option, EPA predicts that 59 facilities (approximately 5 percent of the indirect discharging facilities) might close. EPA estimates that the facilities discharging less than 2 MGY represent less than 12 percent of the total

pound-equivalents currently discharged by facilities in this subcategory. For facilities discharging less than 2 MGY, EPA estimates that pretreatment standards would remove an average of 189 pound-equivalents per facility per year. While a 2 MGY flow cutoff reduced the number of facility closures, EPA concluded that the pollutant reductions associated with Option 2 were feasible and achievable and is not proposing a 2 MGY flow cutoff. EPA requests comment on the 2 MGY flow cutoff for this subcategory.

"Fourth, EPA analyzed the 2 MGY flow cutoff with the pollution prevention alternative for those facilities below the cutoff. Under this option. EPA would exclude from the MP&M numeric pretreatment standards based on Option 2 those metal finishing jobshops discharging less than 2 MGY that choose to perform the pollution prevention and water conservation activities discussed in Section XXI.D (i.e. the P2 alternative). EPA would require the low flow facilities to continue to meet the pretreatment standards codified at 40 CFR part 433, which remain unchanged by today's proposal. All facilities discharging greater than 2 MGY (and those facilities discharging less than 2 MGY but not choosing the P2 alternative) would be subject to the MP&M pretreatment standards for this subcategory. In analyzing this option, EPA assumed that all facilities discharging less than 2 MGY chose the P2 alternative. EPA's analysis shows that this option may not reduce the number of facility closures any further than a 1 MGY flow cutoff (or 1 MGY P2 Alternative). The model facilities representing the facilities that close with flows of 2 MGY or less would require annualized costs to be reduced at least 68 percent in order to avoid closure. Because there are some compliance costs associated with implementing the practices of the P2 alternative, EPA estimates that these may close under the P2 Alternative. See Section XVI.E for a discussion on job losses. Although the P2 alternative reduces the number of facility closures as compared to an option with no flow cutoff, the option is not as protective as numeric pretreatment standards based on Option 2. For facilities discharging less than 2 MGY, EPA estimates that the P2 alternative would control an average of 67 pound-equivalents per

facility per year (compared to 189 pound-equivalents per facility at Option 2). Thus, EPA is not proposing the option of 2 MGY flow cutoff combined with a P2 alternative. EPA solicits comment and data on the pollutant reductions that can be achieved using the practices outlined in Section XXI.D.

"In summary, for all of the flow cutoff and P2 alternatives that EPA considered for this subcategory, the EPA identified no combination that would significantly reduce the economic impacts without also significantly reducing control of pollutants. At all the flow cutoffs and compliance alternatives, EPA concluded that the potential removals the Agency would be choosing to forego were above levels previously determined insufficient to warrant national categorical pretreatment standards. Therefore, EPA is not proposing a flow cutoff for this subcategory. Under the proposed option, all facilities in this subcategory would be subject to the pretreatment standards, which would reduce pass-through of pollutants based on a technology EPA has determined to be technologically feasible and economically achievable. The Agency is soliciting comment on alternatives that might reduce the economic impact and still provide acceptable environmental protection, including all of the options discussed above."

For clarification purposes (since the above is taken out of context), the Option 2 referred to by EPA is defined as: "In-process flow control and pollution prevention, segregation of wastewater streams, preliminary treatment steps as necessary (including oils removal using oil-water separation by chemical emulsion breaking), chemical precipitation using lime or sodium hydroxide, and sedimentation using a clarifier."

Of interest, EPA proposes that metal finishing (not jobshops) facilities currently regulated under 40 CFR part 433 (metal finishing category), that are indirect dischargers, **would be given a 1 MPY flow cutoff.** EPA proposes to re-categorize such facilities under a "General Metals" category.

Note: "pound-equivalents" referred to by EPA in the previous text is a way that EPA has to adjust each pollutant based on concentration, volume and relative toxicity.

The Bottom Line

If you are a jobshop, regulated under 40 CFR part 413, no low-flow cutoff for you. If you are a jobshop, regulated under 40 CFR part 433, no low flow cutoff for you. If you are a captive shop, indirect discharger, regulated under 40 CFR part 433, your proposed low-flow cutoff is 1 million gallons per year. If you qualify for the low-flow cut-off, you will only need to meet your current 40 CFR part 433 regulated concentrations, and MP&M does not apply to you.

Question: Where is the point of compliance for the proposed MP&M cyanide discharge regulations?

Answer: It is at the point of treatment, just like current regulations. You have the option of sampling at the final discharge, but need to adjust the standard based on dilution (which would probably reduce the standard to 0).

Question: Why didn't your chart summarizing the proposed standards include the cyanide for printed wiring board category?

Answer: The cyanide limits for the printed wiring board category are proposed to be the same as for the jobshop electroplaters. *Pass*