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MP&M Plus NODA = ???

On May 31, EPA made available the Metal Products & Machinery (MP&M) Notice of Data Availability (NODA) on its website. Comments on the NODA must be submitted by July 22, 2002.

On June 7, 2002, in Chicago, EPA held an open hearing on this NODA.

Following attendance at this meeting, which reviewed additional information that EPA had obtained since proposing MP&M last year, I walked away with the following "take":

EPA summarized (1800+) industry comments on MP&M as follows:

- Pollutant removals were over-estimated
 - Model loadings should be subcategory specific
 - Correct model for errors
 - Give more credit for existing treatment
- Economic impacts were under-estimated
 - Reduce cost pass-through

- Re-evaluate facility closure tests
- Re-evaluate criteria for moderate impacts
- Review cash flow estimates
- Limits consistently unattainable without more advanced equipment
- POTW administrative costs underestimated

- Benefits over-estimated
- Pollution prevention alternative supported
- No further regulation for metal finishing industry is necessary

Since last year, EPA has obtained additional wastewater sampling data and has recalculated pollutant reductions, costs, economic impacts, benefits and limits, which the NODA and its associated docket spells out. EPA also has allowed industry-submitted data from 26 general metals, eight metal finishing jobshops, two zinc platers, and one oily waste facility.

Mea Culpa?

Readers may recall testimony at several hearings last year where several industry representatives predicted a 40–50% closure rate for jobshop metal finishers, should EPA finalize MP&M as proposed.

Following their re-calculations, EPA now acknowledges that MP&M as proposed—and even as modified based upon newly gathered data—will result in a 44 percent closure rate. While not directly acknowledging that this is unacceptable, it is clearly inconceivable that any regulation with such a high closure rate can be deemed economically achievable. While the NODA contains newly calculated MP&M limits, the closure rate for these limits is so high that they are not included here.

- EPA now agrees that boron is not removed by BAT.
- EPA now agrees that they over-stated cyanide removals by MP&M because of a sampling error (drag-out rinse was identified as a running rinse).
- EPA agrees that imputed flows were too high. (Imputed means a wild guess was made.)
- EPA agrees that companies that were given no credit for treatment actually did treat and remove pollutants effectively.
- EPA agrees that a sampling point it believed was tin plating rinse was actually a catalyst solution.
- EPA has now included explicit costs for increased analytical monitoring.

The table summarizes where EPA is today, versus last year, for the Metal Finishing Job Shop Category (only those discharging to POTWs).

So Now What?

The following changes to MP&M are now contemplated by EPA (that does not mean EPA WILL make the change—the agency is only thinking about it):

Regulation	Annual Cost Of Compliance (in millions of \$)	lbs PE Removed Per Year	lbs PE Removed Per Facility	Cost Effectiveness \$/PE	Economic Impact (% Closures)
Now: MP&M + NODA	151	93,100	80	703	43.6
Then: MP&M As Proposed in 2001	192	1,756,000	1160	39	10

1. A new set of MP&M limits based on newly submitted and corrected data.
2. Regulate zinc platers separately.
3. Set new source standards equal to existing source limits.

4. Use of an Environmental Management System (plus meeting 40 CFR Part 433) as an alternative to MP&M, for the General Metals Category.

5. Eliminate the sulfide, molybdenum, and "some other pollutants" from the rule.

6. Increase the proposed flow cut-off.

7. Substitute the Pollution Prevention alternative for MP&M limits.

8. Add a sand filter to BAT. EPA believes this can be accomplished at an average cost of \$32,000 per facility.

9. Move all (278) jobshops regulated under 40 CFR Part 413 to 40 CFR Part 433.

(Currently the only facilities that are still completely covered by 40 CFR Part 413 are indirect dischargers that were in existence before August 7, 1982 and have not significantly modified their operations. Such modification typically can trigger a designation as a new source, but the level of modification that triggers this change varies from one EPA region to another. The proposed change would eliminate this issue and all jobshop facilities would fall under one category. EPA believes that the average cost of complying with 40 CFR Part 433 will be \$5,600 per year for a jobshop currently regulated under CFR Part 413.)

10. Combine jobshop and captive PWB facilities into one group

11. Withdraw MP&M for indirect dischargers and continue with the existing limits.

EPA will review comments on the NODA, analyze submitted information and data, and prepare final options for internal agency deliberations. The final rule will be published in the *Federal Register* before December 31, 2002.

Industry has spent a lot of donated money to convince EPA that its data, assumptions, and model were flawed. While the above verifies that a lot of progress has been

made, additional money is needed for the effort to be expended between now and the end of the year. Send donations to the AESF GR MP&M fund. *P&SF*