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2-4-86

6280
LFL/2-244
17 Jan 86

From: Marlo Acock and Paul Hubbell
To: Mr. Julian Wooten
Subj: INFORMATION TRANSFER

- Encl: (1) Action Items from the FY86 Marine Corps Environmental/
Natural Resources Workshop
(2) Status Report on HQMC Follow Up Actions
(3) CNO ltr 5090 over Ser 451/5U396262 of 19 Nov 85
(4) COMNAVFACECOM ltr 1122 B/GKC of 17 Dec 85
(5) Mirachem Product Literature
(6) Point Paper RP-30-gfw/722

1. Happy New Year! It is hard to believe nearly two months have passed since the workshop. We hope you had a joyful holiday season. Though it really hasn't been that long since our meeting, a lot is happening--especially in the area of the Budget Process. We felt we needed to get the first Info Transfer Memo of the year out quickly. As usual, there are a number of enclosures which we will briefly discuss below.

a. Enclosure (1) - These are the action items as we read/modified during the Friday wrap up session at the workshop. If you see anything which isn't as you remember it, let us know.

b. Enclosure (2) - As we promised, we will continue to let you know what progress we are making on the action items of enclosure (1). Where applicable, at the end of this memo, we will provide data on action items we generated during one-on-one discussions at the workshop.

c. Enclosure (3) - This paper presents further evidence of the growing recognition of the impact of land management practices on water pollution control. Non-point source pollution control will receive greater attention in the future, and we will see more support for compliance with local/regional/state erosion control efforts. Think seriously of how ag outlease revenues may be used to support erosion control efforts.

d. Enclosure (4) - This letter contains some good information on toxicity testing, but more importantly provides some guidelines on oily sludge testing. We may also think about whether oily sludges we generate should be analyzed prior to automatically including them as a hazardous waste. For those oily sludges included in Part B permits, testing may be warranted to consider delisting.

e. Enclosure (5) - Product literature continually crosses our desks and, where appropriate, we try to pass it along to you. This product appears to be much less noxious to users than other products

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we've seen, and the manufacturer claims it is very biodegradable. We have had reported incidences of building evacuations and personnel being overcome by fumes produced by some of our "off the shelf" items. The big hurdle, we know, is getting a product change made. We will continue to work it from this end. However, we have found "Grass Roots" pressure requesting access to products usually helps. As we strive for hazardous waste minimization, we need you to "sow the seed" that there are environmentally sound products on the market which will do the job the product user needs.

f. Enclosure (6) - Though slightly dated, this point paper does discuss several items of interest to us in planning our out-year programs. We will discuss budget concerns as they relate to us later in this memo.

2. During the preparation of the Marine Corps submission of the Defense Environmental Status Report, it became increasingly clear we must pay closer attention to the permitting process (both NPDES and RCRA). Specifically, we must ensure we start the process for renewing permits in a timely manner so that we will have a better opportunity to review monitoring requirements being imposed upon us, and be able to react if they seem excessive. We are, in some instances, seeing a two to four-fold increase in monitoring requirements, which equates to a considerable resource impact (both fiscal and personnel-wise). We have also noted some instances in which permit renewal applications appear overdue. Submission of these applications on time must be a priority item.

3. As indicated in Enclosure (6), significant changes are occurring in the budget, both procedurally and dollar amounts we can expect to receive. The following thoughts are provided to help plan for these changes.

a. FY86 program execution must receive continual attention. Gramm-Rudman Hollings is impacting us; we are tracking obligation rates and can expect that monies allocated but not obligated in a timely manner will be withdrawn. This equates to continually tracking the progress of getting projects and studies under contract. The squeaky wheel gets greased, so it is up to you to start squeaking. ~~For~~ those of you who have funds committed to a study, but not allocated pending a review of the scope of work by us, please get it to us as soon as possible.

b. It is our understanding that LFF-2 personnel will be visiting the field in the February time frame looking at FY86 program execution. We will try to alert you to when they are coming, but you should be prepared to give them the status of all projects and studies in your programs.

c. The push toward a biennial budget makes the Annual Op Plan that much more important to our program, and you must make every effort to forecast your budget year plus one requirement thoroughly.

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d. When providing input to your POM submission, be sure to consider the day-to-day costs for environmental compliance. These must become part of the activity's operating budget. As we mentioned earlier, environmental monitoring requirements are increasing and you must budget to handle this. We do not see any signs which indicate manpower growth, so you can expect a need for greater reliance on contracting out (and must program increased costs accordingly).

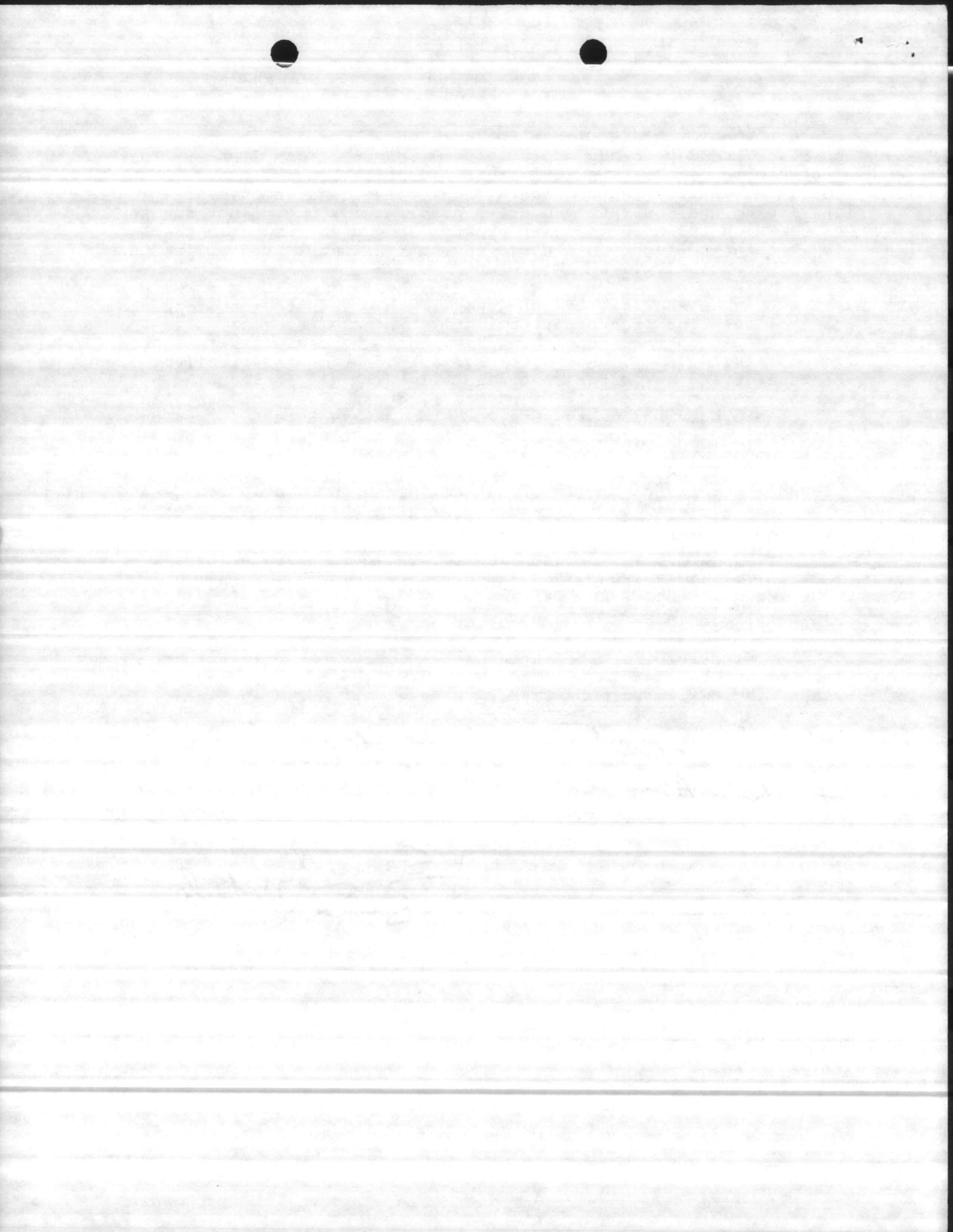
e. As we see it, real program growth within the environmental/natural resource programs is unlikely. We are, however, in a better position than other programs since there are other avenues for obtaining money. Resource recovery programs are excellent means of benefitting our programs financially, as well as reducing environmental problems. We will be emphasizing establishment/expansion of these programs and are here to help. Laura Huber will be our principal point of contact. Agricultural outlease is another source of revenues with the potential to help support our programs--in particular some of the non-point source pollution control problems. We are pleased to announce Mr. Tom Coda has joined us to help manage and expand this program. Tom comes to us with considerable experience in private industry and the Department of Agriculture.

f. The centrally managed program for minor construction projects for environmental/natural resources protection (R2) is constrained. Projects which could be done as repair (M1/M2) vice minor construction (R2) should be documented that way.

4. A reminder to workshop attendees--we have not gotten forms from many of you on your TAD costs. We would like to hear from you all within the next couple of weeks. Please get your travel claims settled and the form to us as soon as possible.

5. We have ~~sent~~ a copy of this package to Bob Alexander.

Sincerely,
Paul J. Harbo



ACTION ITEMS
RESULTING FROM THE
FY86 ENV/NR WORKSHOP

1. HQMC (LFL) will revise MCO P11000.8B to more fully address spill reporting requirements when dealing with land/groundwater contamination spills/releases. Also, .8B must be strengthened in identifying requirements to comply with state/local definitions as to what is considered a hazardous waste.
2. Activities will review their procedures used when submitting projects to the MCON Pollution Abatement Program to ensure documentation is complete and forwarded through the proper chain. Specifically, a signed (by CG/CO) 1391 accompanied by a facilities Study and Pollution Control Report should be forwarded to CMC (LFF-1) via the EFD. (Advanced copies may be forwarded to CMC (LFF-1) and NAVFACENCOM (112) if desired).
3. Activities will review appropriate scopes of work for studies/surveys being conducted by all organizations on the installation to ensure the deliverable product is prepared for easy digitization/incorporation into a LUMS type data base.
4. HQMC (LFL) will monitor the development of curation guidelines being prepared by Department of Interior.
5. HQMC (LFL) will include, within the update of MCO P11000.8B, a statement which indicates environmental statutes, both Federal and state, more current than the MCO take precedence over the guidance in the Order.
6. HQMC (LFL) and SJA, MCRD, San Diego will develop a summary listing of penalties associated with non-compliance and examples of enforcement actions for dissemination to activities and possible inclusion in MCO P11000.8C.
7. HQMC (LFL) will improve mechanisms to ensure tenant commands are aware of environmental requirements and their environmental responsibilities. Mechanisms will include a review of how environmental information is distributed to the field and may include preparation of a white letter for possible release by the Commandant.
8. Activities will submit Defense Environmental Status Report (DESR) data in the new format provided at the workshop in the timeframes described (verbal report NLT 20 Dec 1985 and hard copy NLT 3 Jan 1986). HQMC (LFL) will incorporate the new format in MCO P11000.8C.
9. Activities will review Draft MCO P11000.8C and provide recommendations for additional changes by 30 Jan 1986. HQMC (LFL) will incorporate these recommendations by 28 Feb 1986 and submit the revised Order for review by appropriate divisions within HQMC. Target date for submitting the chopped draft for mat preparation, signature, printing and distribution is 1 Apr 1986.

10. HQMC (LFL) will advise HQMC (MHS) of concerns raised regarding the lack of policy defining Navy/Marine Corps roles in workplace monitoring.
11. HQMC (LFL) will act as the focal point to disseminate information on Li SO2 Batteries to all environmental representatives. Activities should forward appropriate information to HQMC (LFL) for distribution. HQMC (LFL) will monitor and report progress being made on overseas disposal, the potential for large quantity local disposal authority, etc. HQMC (LFL) will work to ensure HQMC representation at future Ad Hoc Li SO2 Battery Committee meetings.
12. Activities will track fish and wildlife manpower and fiscal data in accordance with the format provided. This information may be required to be submitted to HQMC (LFL) for consolidation and forwarding through DOD to Congress at a later date.
13. HQMC (LFL) will work with CNO(OP451) to resolve command structure contingency planning inconsistencies which occur above the activity level.
14. HQMC (LFL) will discuss approach being pursued by HQMC (LFF) to establish a Facilities MOS and determine the feasibility of reopening efforts to establish an environmental/natural resources MOS.
15. HQMC (LFL) will review suggestions made to alter format/frequency of the Environmental/Natural Resources Workshop and make revisions accordingly.
16. HQMC (LFL) will report on status of Action Items through Information Transfer Memorandums as progress is made.
17. HQMC (LFL) will determine with HQMC (LB) the capability to initiate regional contracts to recycle solvents.
18. HQMC (LFL) will request HQMC (CL) to provide guidance on what enforcement mechanisms are available within the activity to enforce environmental laws and regulations.

STATUS REPORT ON HQMC
FOLLOW UP ACTIONS

Report is keyed to action items which are listed in enclosure (1).

1. Revision in progress.
2. Continuing field action.
3. Continuing field action.
4. No changes from DOI.
5. Revision in progress.
6. SJA, San Diego agreed to develop summary listing.
7. No action taken to date.
8. Action complete.
9. Action in process.
10. Code MHS has been apprised of concerns surfaced at the workshop. Action transferred to Code MHS.
11. Information on LIS02 batteries is being gathered. Laura Huber has been assigned as principal POC within LFL. A separate info transfer package on LIS02 batteries will be forwarded shortly.
12. Continuing field action.
13. No action taken to date.
14. No action taken to date.
15. Recent guidance from ACMC suggests holding this action item in abeyance. (There is an effort to significantly reduce the number of workshops sponsored by CMC). We are exploring alternative approaches (e.g. regional meetings, etc.) and welcome any suggestions. For POM and Annual Op Plan planning purposes, next workshop will be first quarter, FY1988 on East Coast.
16. Continuing action.
17. No action taken to date, but subject will be addressed as part of Department of Navy Hazardous Waste Minimization program.
18. No action taken to date.

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Enclosure (2)





DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO

5090
Ser 451/5U396262
19 Nov 85

From: Chief of Naval Operations

Subj: CONTROL OF NON-POINT WATER POLLUTION SOURCES FOR FUTURE ENVIRONMENTAL PROTECTION EMPHASIS

Encl: (1) Remarks of Lee. M. Thomas, Administrator of the Environmental Protection Agency (EPA) before the Annual Water Pollution Control Federation Meeting, 7 Oct 85

1. Enclosure (1) is an interesting presentation by the EPA Administrator concerning water pollution control progress. It is noted that Mr. Thomas has indicated on many other occasions that non-point source control is the real key to future water quality control. Since such control involves "land management", there will be considerable impact on Navy shore facilities.


J. B. GREEN, JR.
By direction

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Enclosure (3)

REMARKS OF
LEE M. THOMAS
U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
58th ANNUAL CONFERENCE
WATER POLLUTION CONTROL FEDERATION
KANSAS CITY CONVENTION CENTER
KANSAS CITY, MISSOURI
OCTOBER 7, 1985

The Environmental Protection Agency will be 15 years old in two months. As those of you who are parents know, this is a particularly difficult age. At 15, I think, we get the first inklings of the staggering complexity of adult life. Life is hard, we are told: there are no easy answers.

What EPA confronts at 15 is a similar set of hard realities.

Today I want to talk to you about one of those hard realities, the one that must be of greatest concern to all of us committed to the cause of clean water. I'll put it as bluntly as I can: while we can now anticipate the end of significant conventional pollution from point sources, the end of water pollution is not nearly in sight. More than that, even when we have finished the major task of controlling toxic point sources, to which we are legally committed, the end will still not be in sight.

Over the past decade we have mounted an enormous effort, in which all of you were involved, to establish a system of industrial waste and sewage treatment facilities. We have avoided the catastrophe that threatened our waters, and revived many lakes and streams that had been thought beyond help. But there is no denying that in recent years the curve of improvement has flattened out. The 1982 Fish and Wildlife survey showed, for example, that although 67 percent of the nation's water had at least a minimum ability to support sport fish, the situation had not noticeably improved during the previous five years. The 1983 ASIWPCA study showed that in the decade since 1972, of 354,000 stream miles for which there is water quality information, 13 percent had improved, three percent had gotten worse and the rest had remained unchanged.

It seems we are holding the line against water pollution. With the increases in economic activity and population in those years, this must be considered an impressive accomplishment. But the Clean Water Act doesn't tell us to just hold the line. It tells us to clean up the water so that it's fishable and swimmable. We haven't done that in an unacceptably large proportion of our waterways. And it's becoming ever more clear that much of the reason for this is our failure to adequately control nonpoint source pollution.

So, while we at EPA continue to implement the major point source efforts embodied in our municipal policy and our pretreatment requirements, we must begin to place increased efforts on nonpoint controls.

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ENCLOSURE (1)

I know this must be a familiar subject to you, but let me briefly sketch out the magnitude of this problem. In the 1984 State water quality reports, we found that for assessed waters where desired uses are not being fully supported, nonpoint sources are the leading cause of this in 39 percent of rivers, 52 percent of lakes, and 48 percent of estuaries. In the 1983 Environmental Management Reports, six out of ten of the EPA regions confirmed this by naming nonpoint source pollution as the principal cause of inadequate water quality.

These figures tell us that despite the billions expended for point source control over the past 12 years by the Federal Government, state and local government, and private industry, we have accomplished much less than what we set out to do. They tell us that even when we institute secondary treatment as the law requires, even when we require clean-up beyond Best Available Technology (BAT), we will still not meet the goals of the Clean Water Act. In addition, there is increasing evidence that nonpoint pollution also represents a threat to groundwater.

We have to accept this hard reality: either we have to do better at controlling nonpoint source pollution or we have to renege on the promise made to the American people in the Clean Water Act.

So let us take a serious look at nonpoint source pollution. And let's not argue about whether it's harder to control than point source. Let's agree that it surely is a different kind of job. In the first place, when we went after point sources it was at least possible to distinguish the polluters from everybody else. We had little hesitation about telling industrial facilities to clean up their waste. We understood that when cities built treatment plants they could stop polluting their own waters and those of their downstream neighbors with domestic sewage. Most important, we knew how to administer regulatory programs that require the installation of particular types of engineering.

But we can't so easily identify the nonpoint source polluters, because "they" are "us." In a sense, nonpoint source pollution is the footprint of our entire civilization, stamped on our water resources by the strength of millions of separate private and public decisions. Each of these decisions pursued some private or public good. Farmers wanted to grow more crops. Cities wanted to expand. People wanted highways between cities, and after the highways were built they found they wanted to live in suburban houses, filling up the spaces between the cities. Land development changes the pattern of water run-off. Nonpoint source pollution is the direct result of that changed pattern. It's part of the unpaid cost of development and economic growth.

It follows that significant reductions in nonpoint pollution will only come as the result of improvements in the way we manage land. That means, first of all, improving the way America's largest landowner manages land. That's the Federal Government. At EPA we intend to do all we can to help the major Federal land-holding agencies address nonpoint problems in areas under their supervision.

Outside these areas, however, we face a peculiar quandry. On the one hand, the Federal Government has, along with the states, a recognized responsibility to protect the quality of the national waters. But we now have a situation where a good part of our remaining water pollution, perhaps the bulk of it, arises from the way that private parties and local governments manage land. Thus we see a Federal responsibility being affected in a serious way by local land management actions in which the Federal Government has for all practical purposes no direct authority.

Direct Federal regulation has never been an important factor in local land use decisions, nor in my view should it be. We have a Federal presence in air and water pollution control because these sources are correctly perceived as common, and of concern to all Americans. And it is obvious that the winds blow and rivers flow, so that our neighbor's pollution has a direct effect on our lives.

Clearly, nonpoint source control cannot be handled in a traditional Federal regulatory manner. Nonpoint problems are, first of all, specific to particular sites. This means that in order to be both efficient and effective a nonpoint control effort should be targeted to put resources where the problems are. As you know very well, it is almost impossible to arrange national funding programs in this way. The politics of distribution always seem to win out over the practical realities of solving the problem. Finally, the sheer numbers of decisions that go into establishing a pattern of land use would make any attempt to direct those decisions from Washington an administrative nightmare. The kind of intrusive bureaucracy you would need to run such a program would be repugnant to nearly everyone in this country.

Fortunately, the nonpoint problem has been recognized in many different parts of the nation, by state and local government and by the private sector. Some gratifying things are being done.

Wisconsin has a state-funded program designed to obtain increased water quality improvements in selected watersheds through the control of both urban and rural nonpoint sources. They are able to identify water quality objectives for nonpoint source control and focus on the land areas presenting the major barriers to reach those objectives. Cost-share agreements with landowners and municipalities are signed, which require the installation of best management practices within five years and maintenance by the participants thereafter.

In Vermont, close cooperation between the state and the timber industry has led to decreases in the nonpoint pollution produced by logging. The state helped to set up a system of self-policing by the industry, with a heavy emphasis on technical assistance and education. Water quality problems reported to the state are generally handled by an industry association committee, with the state moving in when voluntary efforts fail to produce results.

A particularly interesting example of a local initiative balancing interests in this area is the case of Tillamook Bay on Oregon's coast. This region is famous for both oysters and cheese, a combination that may go well during a restaurant meal, but which presents serious problems at the producer end. Coastal Oregon gets around 100 inches of rain a year, and this washes dairy cattle wastes into Tillamook Bay in such volumes that in 1977, the FDA closed the Bay to commercial harvesting because of high coliform counts in the oysters.

Since then, a grassroots effort on the part of both oystermen and dairy operators, has succeeded in introducing best management practices at over half of the area's dairies. They sought and received help from the state, the soil conservation district, the Department of Agriculture and EPA, but the main push continues to come from local citizens. The response in the Bay has been encouraging. Shellfish bed closures are much less frequent and coliform counts in the streams leading to Tillamook Bay have been significantly reduced.

I could mention many other areas in which important work has been done. There is the control of urban runoff in a developing community represented by the experience of Bellevue, Washington, helped by EPA's Nationwide Urban Runoff Program. This program has also assisted 25 other urban areas across the country to better control nonpoint sources. Or we could consider the success of the demonstration Rural Clean Water Program, on which we are cooperating with the Department of Agriculture to introduce improved best management practices in 20 agricultural watersheds facing nonpoint problems. These Federal demonstration programs have been focused on developing the knowledge base necessary to effectively control nonpoint sources.

It's a correct focus because information is the key element in nonpoint-source control, almost in the same way that technology was in the case of our point source accomplishments. Our demonstration programs have taught us that successful operations in this field always have two elements present. First, they are tightly targeted on the acreage or practices that contribute the most pollution. Second, education and technical assistance are central, rather than auxiliary, features. After all, successful nonpoint control largely consists of getting a key group of people to change the way they do their usual work. The proper information is necessary to identify the essential group, and to let them know what changes are necessary.

This is in most cases best done on a local scale or a state scale, as in the examples I have mentioned. But for certain major interstate problems, some Federal involvement must continue. Our joint state-Federal projects to improve water quality in the Great Lakes, and in Chesapeake Bay and other major estuaries have nonpoint source components. I expect that these areas will be the important test beds for showing what targeted Federal efforts can do to alleviate nonpoint source pollution on a larger scale.

But these examples constitute the bare beginnings of what needs to be done. The big question is where we go from here. Remember, I said that this kind of pollution required a different approach from the one that worked in point source controls. Now I'm not going to stand up here and tell you that we can do this for free. But I am going to say that a big Federal

cost-sharing program is not the solution. EPA continues to oppose legislative proposals for a new authority for nonpoint source cost-sharing in the Clean Water Act. Quite apart from the pressing need to reduce the Federal budget, a national program to directly fund nonpoint source pollution control, at any realistic level of spending, might even be counterproductive.

What we don't want is for all the initiatives at the state and local level, in response to local perceptions that there is a real problem out there, to come to a screaming halt while everybody waits around for Congress to make up its mind and for a program to get under way. Rather than undertake a new big-money Federal nonpoint program, I believe that we must redirect existing Federal, state, local and private resources onto priority nonpoint problems. To help us frame this approach, EPA convened a national Nonpoint Task Force over a year ago. Last December, this Task Force recommended a new national policy on nonpoint source pollution to protect surface and groundwater. Each Federal agency on the Task Force developed its own nonpoint strategy, which they are now beginning to put into effect. The Task Force strongly supported the idea that states and their local governments should play the leading role in the control of nonpoint sources, and that private sector initiatives and cooperation are essential for success.

Finally, the Task Force asked that EPA, under its existing Clean Water Act authorities, take the lead at the Federal level, to coordinate interagency management actions devoted to the control of such sources, including needed actions on Federal lands.

This is what we intend to do. Coordination and refocusing of existing resources are essential if we are to have any chance at all of coping with this problem. These resources are in fact immense. When you add up the money spent on resource and environmental protection last fiscal year by the Corps of Engineers, the Soil Conservation Service, the Forest Service, the Bureau of Land Management, and others it comes to about \$10 billion. In addition, as I've noted already, the Federal government is directly responsible for managing over 650 million acres of land. In these areas, the Federal government is the "local" agency responsible for good stewardship.

Surely we can marshal these resources and programs more effectively against what looks like a large portion of our national water pollution problem. And when I say "we" I mean the entire clean water community. States and localities have got to make it clear to the Federal presence in their neighborhoods that controlling nonpoint source pollution is vitally important. EPA will support these state and local nonpoint initiatives and work on nonpoint problems on Federal lands, both by coordination of policy with other Federal agencies in Washington and by working directly, out of our Regional offices, on specific high-priority nonpoint projects with our Federal agency counterparts.

Interagency cooperation works. In agriculture, for example, we know from experience that where local and state agricultural agencies are able to work together and integrate water quality and erosion control objectives, a combined program can be highly successful for both ends. In situations where state agricultural agencies spend their resources exclusively for erosion control the results may not fully support water quality goals. Several states have recognized

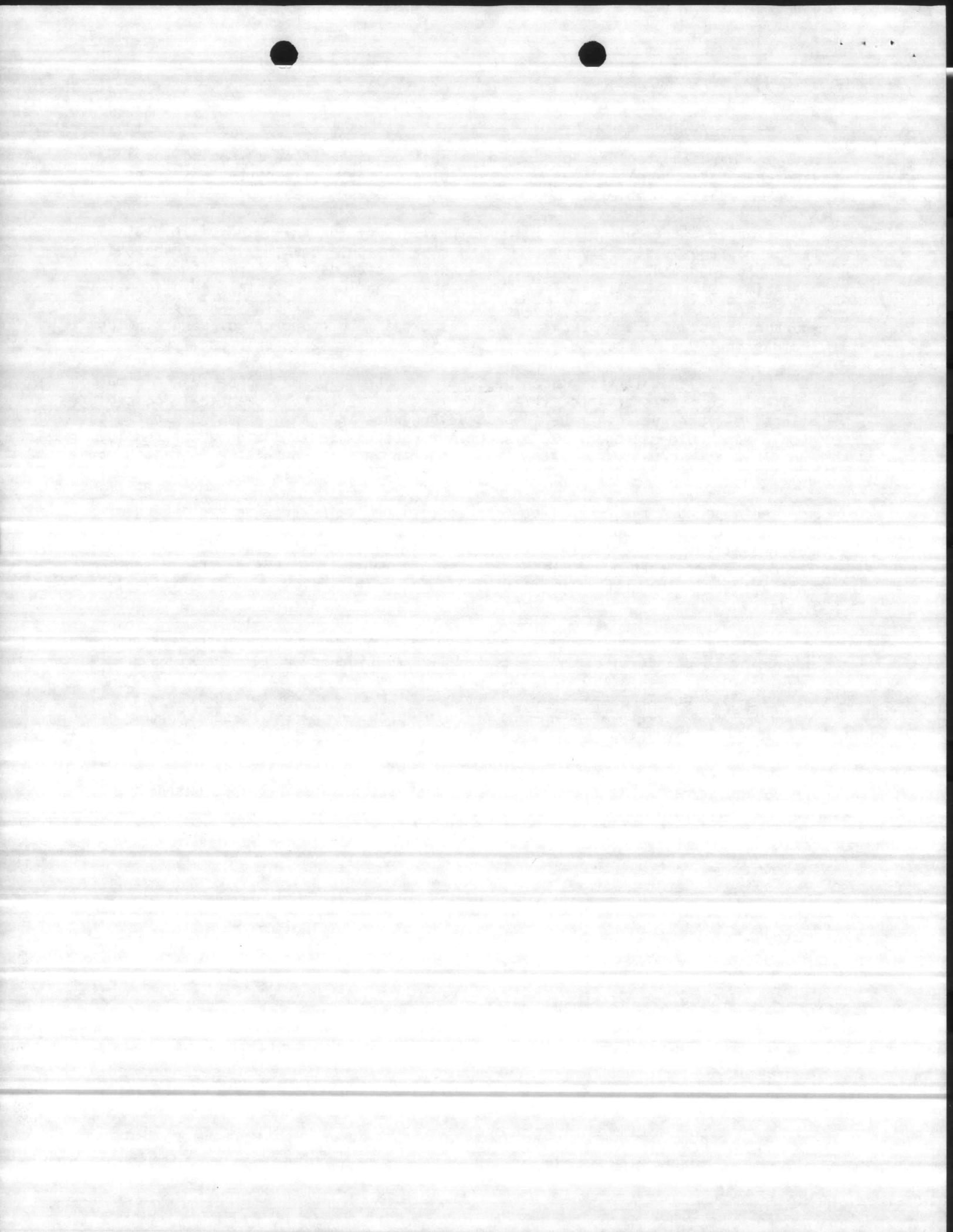
this and have adopted the approach of managing nonpoint source control on a watershed basis. This allows more targeting on the most importance sources of water quality problems.

I believe the agricultural community is ready for this kind of initiative, if the message is strongly put from the right place. Last May, EPA co-hosted a meeting on nonpoint source pollution with the Department of Agriculture. At that time, Secretary Block said, "Where state and local officials have identified water quality to be more important than gross soil erosion -- I can assure you that we stand ready to target our resources into nonpoint source pollution from agriculture." State and local officials must rise to this challenge.

We are also going to place substantial emphasis on making better information available to states and localities. We must make sure that practical, cost-effective techniques continue to be developed and that they are disseminated to people who could use them. We also have to coordinate the major water quality and flow-based data systems at EPA and other agencies, to enable us to determine best management practices for specific water quality problems.

We hope that the net effect of this will be to increase understanding of this kind of pollution to the point where a city manager who is displeased with water quality doesn't automatically call up his POTW chief and demand more steam. We hope that people will begin to comprehend how many of the things that are under the authority of localities contribute to the decline in water quality.

In short, things are going to change. The water protection professions are going to change, if they are to keep up with where the real problems are. We are going to see a lot more interdisciplinary efforts in the coming years, efforts like our Chesapeake Bay project, but at many different scales, and targeted at a variety of point and nonpoint problems. We will see changes at EPA too. For the past decade we have concentrated on major engineering programs to control sewage and industrial pollution. We must now determine the best way to tackle this different task while continuing our strong point source programs. This new challenge will be faced by us all and, based on the record achieved in this country in water pollution control over the last 15 years, I'm sure it will be met.





DEPARTMENT OF THE NAVY

NAVAL FACILITIES ENGINEERING COMMAND

200 STOVALL STREET

ALEXANDRIA, VA 22332-2300

IN REPLY REFER TO

1122B/GKC

17 DEC 1985

From: Commander, Naval Facilities Engineering Command

Subj: INVENTORY AND CLASSIFICATION OF OILY SLUDGE SOURCES AT VARIOUS NAVY ACTIVITIES

Ref: (a) COMPACNAVFACENGCOM 1tr 5090.G3 Ser 11422/11583 of 29 Oct 1985

1. Under the Environmental Protection R&D Program, the Naval Civil Engineering Laboratory, Port Hueneme, CA was required to study and develop procedures for handling and treating oily sludges generated from various types of Naval operations. Reference (a) expressed concern as to whether the EC 50 data specified in the reports for these studies should be used to classify oily sludge as a hazardous waste by virtue of the generator's knowledge of the waste characteristics. Current Federal regulations do not recognize EC 50 toxicity values for determining whether or not a waste will be classified as hazardous. Therefore, these values cannot be used to make such a judgment.

2. The only toxicity test recognized by the EPA for determining hazardous wastes in oily sludges is the EP extraction procedure. Throughout the course of sampling and analysis at the various Navy activities that were evaluated, 10 samples underwent the EP extraction procedure. In the majority of cases, no heavy metals were detected. In the few instances where heavy metals were detected, the levels were well below the allowable limits. However, this data should not be interpreted to conclude that all samples are not hazardous substances. The EP toxicity test will still be necessary to determine if a particular oily sludge is a hazardous waste.

3. Federal regulations do not specify when to test sludge samples for EP toxicity. However, as a good practice, we suggest that activities generating oily sludges should have samples tested for material toxicity on a routine basis (semiannually). Oily sludge samples should always be tested for personnel toxicity by an industrial hygienist prior to tank cleaning. Personnel doing the tank cleaning must be informed of the potential hazards and personal protection requirements. The method for determining toxicity and test frequency are determined by the industrial hygienist and should be part of the activity workplace monitoring plan.

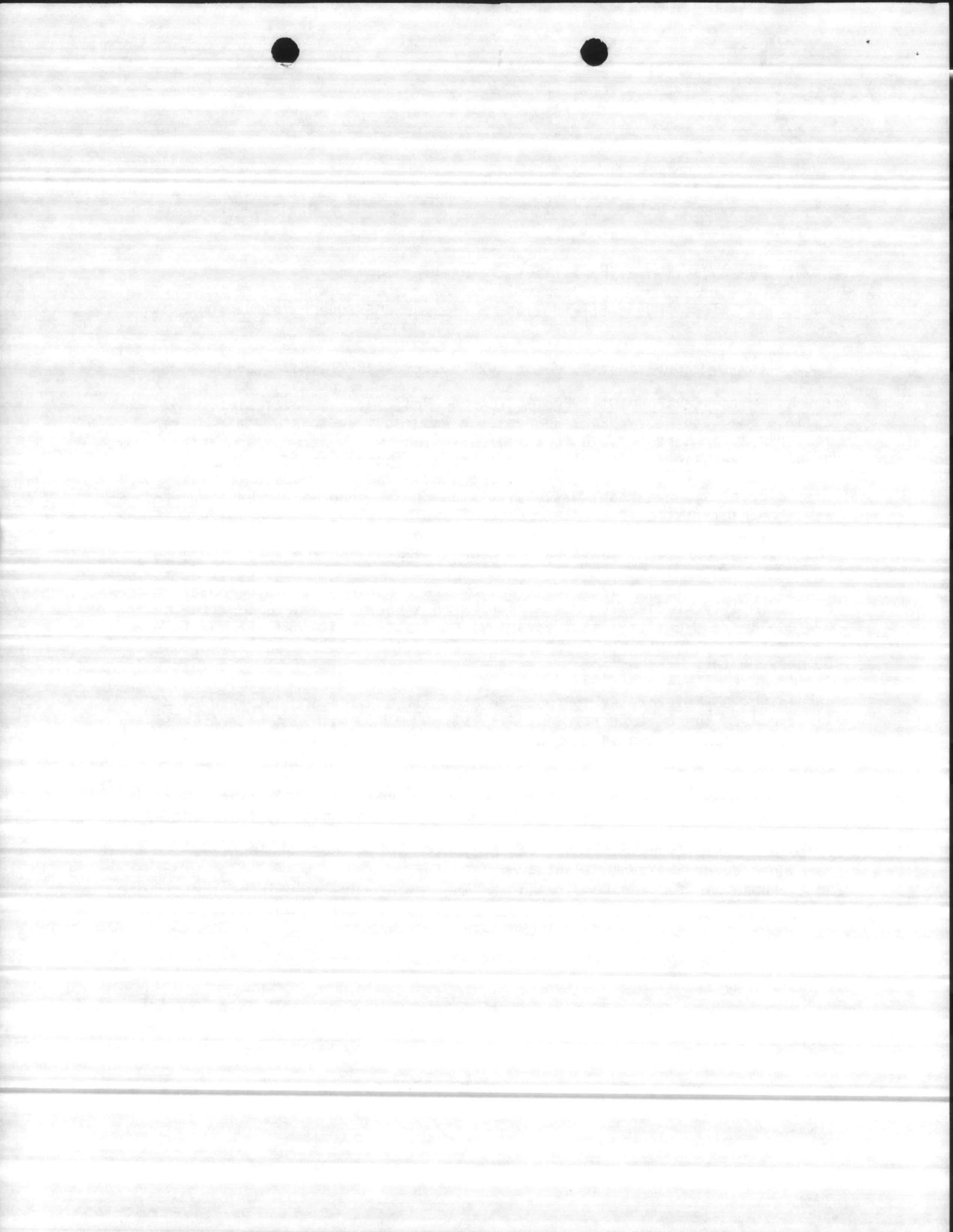
4. Our point of contact is Mr. Ted Zagrobelny, AV 221-8531 or Commercial (202) 325-8531.

PJ Yaroschak
P. J. YAROSCHAK
By direction

Distribution:
(See next page)

Enclosure (4)

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APPLIED BIOLOGICAL SCIENCES LABORATORY, Inc.

RESEARCH • DEVELOPMENT • CONSULTATION

6320 SAN FERNANDO ROAD • P.O. BOX 3218 • GLENDALE, CALIFORNIA 91201-0218 • (213) 242-6944 / (213) 245-1318

SUMMARY OF TOXICITY DATA

Mirachem Corporation
Scottsdale, Arizona

PRODUCT: Mirachem All Purpose Cleaner/Degreaser #100

A. Oral Toxicity (LD50)

The Oral Toxicity (LD50) was found to be greater than 6.0 gm/kg of body weight and this product can be considered to have a toxicity rating of OH*.

References: 16 CFR 1500.3
40 CFR 163.81-1

* = National Paint and Coatings Association
Revised HMIS Rating Manual

OH - No Known Hazard - Materials having no known effect.

B. DOT Corrosivity Skin Test

Mirachem All Purpose Cleaner/Degreaser #100 can be considered non-irritating and non-corrosive to skin and can be given a toxicity rating of OH (Refer to Oral Toxicity (A) above)

References: 49 CFR 173.240

C. Eye Irritation

Mirachem All Purpose Cleaner/Degreaser #100 can be considered a mild to moderate eye irritant if not washed out of the eyes immediately. On the basis of this statement the acute toxicity rating would be 2H*.

However, if the eyes if flushed immediately with water no irritation results and the product would be considered only very slightly irritating to non-irritating under these conditions. It would then have an acute toxicity rating of OH-IH.

References: 40 CFR 163.81-4
16 CFR 1500.42

* = See attached acute toxicity rating sheet - National Paint and Coatings Association.

D. Inhalation Toxicity - LC50

When tested for Inhalation Toxicity (as a spray) Mirachem All Purpose Cleaner/Degreaser #100 was found to be essentially non-irritating. There were no changes observed of any significance in any tissues or organs grossly and no significant lung damage when lung tissues was examined microscopically. On the basis of this study it can be given a toxicity rating of OH - Having no known hazard.

References: 40 CFR 163.81-3

Respectfully submitted,

APPLIED BIOLOGICAL SCIENCES LABORATORY

J.B. Michaelson
J.B. Michaelson, Ph.D.,
Director of Laboratories

Enclosure (5)

APPLIED BIOLOGICAL SCIENCES LABORATORY, Inc.

RESEARCH • DEVELOPMENT • CONSULTATION

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SUMMARY OF TOXICITY DATA

Mirachem Corporation
Scottsdale, Arizona

PRODUCT: Mirachem All Purpose Rust, Concrete, and Scale Remover #250

A. Oral Toxicity -(LD50)

The Oral LD50 was found to be greater than 6 gms/kg of body weight. This product can be given an acute toxicity rating of OH (No Hazard Orally) on the basis of the studies made:

References: 16 CFR 1500.3
40 CFR 163.81-

Revised HMIS Rating Manual (Attached)
National Paint and Coatings Association

B. DOT Corrosivity Skin Test

Mirachem All Purpose Rust, Concrete, and Scale Remover #250 can be considered non-corrosive and non-irritating to skin; and, can be given a toxicity rating of OH - Not a Hazard

References: 49 CFR 173.240

C. Eye Irritation

Mirachem Rust, Concrete, and Scale Remover #250 was found to be non-irritating to eyes under all conditions of the studies made. It can be given a toxicity rating of OH - Essentially non-irritating.

References: 40 CFR 163.81-4
16 CFR 1500.42

National Paint and Coatings Association (Revised)
HMIS Rating Manual (Attached)

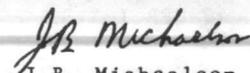
D. Inhalation Toxicity (LD50)

When tested for Inhalation Toxicity (as a spray) Mirachem All Purpose Rust, Concrete, and Scale Remover #250 was found to be essentially non-irritating. There were no changes observed of any significance in any tissues or organs grossly and no significant lung damage when lung tissue was examined microscopically. On the basis of this study it can be given a toxicity rating of OH - Having no known hazard.

References: 40 CFR 163.81-3

Respectfully submitted,

APPLIED BIOLOGICAL SCIENCES LABORATORY


J.B. Michaelson, Ph.D.,
Director of Laboratories

UNCLASS

POINT PAPER

Subj: ANTICIPATED PROGRAMMING AND BUDGETING ENVIRONMENT FY 87-90

BACKGROUND. Recent Congressional actions indicate the increases in defense spending experienced over the past five years will not continue into FY 86. The FY 86 Authorization bill straightlines DoD real program growth from FY 85 to FY 86. Additionally, two DoD actions and two Congressional proposals would have significant impacts on future budgets.

- The CINC's role in the programming phase of PPBS has been enhanced
- Defense Guidance 88-92 will be the first biennial DG
- The Gramm-Rudman proposal requires the budget be balanced by FY 91.
- The authorization bill requires the submittal of a two-year budget beginning with the FY 88-89 budget.

DISCUSSIONCINC's Role in Service Programming

As a result of recent DoD studies/direction, CINC requirements have been given greater visibility through increased participation in the POM process. OSD, however, will continue to use the "CINC's role" as an entree to gain additional influence in service programming:

- More specific detail in CINC's annex to POMs
- JCS assessment of the CINC IPLs
- The potential to force services to allocate resources by theater

The key to retaining proper focus on service programming will continue to be the component commander link between the CINC and the services.

* Biennial Defense Guidance

- Supports initiative for two-year defense budget
- Allows for more stable program execution
- Continues to provide significant service flexibility in resource allocation

REPRODUCED AT GOVERNMENT EXPENSE

Enclosure (6)

* Gramm-Rudman

Though the Senate and House version of the proposal differ, both incorporate the following points:

- Phased reduction of yearly budget deficits from \$212B in FY 85 to zero by FY 91.
- Mandatory Presidential withholding of funds if CBO predicts budget deficit will exceed specified ceiling.
- Different withholding rates for indexed and controllable programs.
 - DoD's share of a \$10B cut would be about \$4.5B (45%)
 - DoD's share of a \$25B cut would be about \$12.8B (51%)
- Congress can waive budget deficit ceiling when:
 - Economic growth predicted to be less than 1%
 - Unemployment increases 1% from previous year
 - Congress declares war
 - Or by vote of Congress
- * ◦ Probable DoD Impacts (Assumes constant revenues)
 - Optimum - No real program growth FY 85-91
 - Most Likely - Negative real program growth FY 85-91

Two-Year Budget

- The Conference Authorization Bill requires the President to submit a single budget for DoD for FY's 88 and 89. Thereafter, DoD budgets would be submitted every other year.
- The Appropriation committees have not endorsed the biennial budget
- Currently, ASD (Comptroller) is developing a strategy for transitioning to biennial budgeting.
- Review process at DoN, DoD, and Congress is uncertain.
- POM 88/89-92 Serials are emphasizing that all FY 88 and 89 programs should include budget level detail.
- Field O&I submission will require greater exactness and detail in second budget year (May not be able to change)

REPRODUCED AT GOVERNMENT EXPENSE

SUMMARY

All above actions will have significant impacts on the Marine Corps programming/budgeting process. Even if Gramm-Rudman is not enacted, DoD will probably be limited to zero real program growth for the foreseeable future. Two year guidance and program budget coupled with increased CINC's participation in process will demand increased focus by commander on future resources.

