

PUBLIC NOTICE

NEW REGULATION ADDRESSING MOTOR VEHICLE MAINTENANCE FACILITIES' IMPACT ON GROUND WATER: U.S. EPA REGION 8'S IMPLEMENTATION PROPOSAL

Background

Federal regulations effective on April 5, 2000, explicitly prohibit the construction and operation of NEW motor vehicle waste disposal systems. These are typically dry wells or septic systems which can receive waste fluids from motor vehicle maintenance area floor drains or shop sinks. Motor vehicle waste disposal systems have been found at both private and public facilities which service cars, trucks, buses, aircraft, boats, trains, snowmobiles, construction and farm machinery, etc. They and other shallow disposal systems are regulated by the Underground Injection Control (UIC) program, which was developed in response to Part C of the Safe Drinking Water Act (SDWA). Under the Act, the Environmental Protection Agency (EPA) is required to protect all ground water which is, or has the potential to serve as, an underground source of drinking water. In EPA Region 8, the states of Utah, Wyoming, and North Dakota directly regulate these types of systems, whereas EPA regulates them in Indian Country and in the states of Colorado, Montana, and South Dakota.

EPA and state UIC agencies have found that identified motor vehicle waste disposal systems typically pose a threat to ground water quality. Common contaminants found in the waste stream include used solvents, detergents, lubricating fluids, and spilled oil or gasoline. This type of shallow disposal system is an unnecessary environmental liability for owners/operators. In fact, EPA and state UIC agencies have determined that waste streams from motor vehicle waste disposal systems consistently fail to meet drinking water standards as required by the UIC regulations which have been in effect for almost 20 years. These regulations also require that all owners/operators of EXISTING (i.e., operational before April 5, 2000) motor vehicle waste disposal systems identify themselves to EPA and state UIC programs.

What is EPA Region 8's Implementation Proposal?

The new regulations require that existing motor vehicle waste disposal systems be phased out in specific geographic areas identified by State and EPA UIC programs. For the states of Colorado, Montana, South Dakota, and all of Indian Country throughout EPA Region 8, EPA today is proposing to phase out the operation of these disposal systems on a state and Indian Country-wide basis. If EPA implements this proposal, owners/operators, regardless of facility location, would have to demonstrate that their waste stream meets stringent federal drinking water standards as part of a permit application process OR cease discharging into the ground no later than January 1, 2007. If an owner/operator does obtain a permit, he/she would assume the expense of sampling and analyzing his/her waste stream, typically four times a year. If an owner/ operator can or chooses not to make this demonstration, he/she must report their intent to close/retrofit their system to EPA, and manage his/her waste stream in a way that poses no threat to ground water.

EPA Region 8 believes all existing motor vehicle waste disposal systems pose a threat to ground water regardless of location, and has used its existing authority to require that owners/operators either obtain a permit or close/retrofit their systems. Therefore, EPA Region 8's proposal to implement these new regulations on a state and Indian Country-wide basis is consistent with its existing practice. Based on over 15 years of implementation, EPA Region 8 has found that almost all owners/operators chose to close/retrofit these systems and adopt more protective waste minimization or disposal practices, primarily because the costs of obtaining and maintaining compliance under a permit were too high.

Why Apply These New Regulations Throughout Indian Country?

EPA Region 8 has found that motor vehicle waste disposal systems are predominately located in unsewered areas with relatively permeable soils, where local populations are either dependent on ground water as a source of drinking water or could be in the future. EPA Region 8 has also found that where these systems are located in areas with relatively impermeable soils, motor vehicle wastes (e.g, solvents) have the ability over time to migrate downward through either natural (e.g., fractures) or manmade (e.g., abandoned wells) pathways, making deeper ground water indirectly susceptible to contamination. Therefore, EPA believes applying these new regulations on an Indian Country-wide basis is the most prudent and equitable approach in terms of protecting all underground sources of drinking water for current and future use.

Opportunity for Public Comment

EPA Region 8 is seeking comment on the geographic extent of its proposal to implement these new regulations throughout Indian Country. In developing its proposal, EPA specifically consulted with a variety of stakeholders including local, state, and tribal government as well as private interest groups. Stakeholder comments, concerns, and suggestions were received at the Regional Operations Committee meeting held in Fort Yates, ND on July 17, 2001, which was attended by Tribal Environmental Program Directors throughout EPA Region 8. Stakeholders commented on the application of these new regulations on an Indian Country-wide basis, and suggested ways EPA Region 8 could improve stakeholder involvement.

Please submit written comments to Douglas Minter (8P-W-GW), USEPA Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466 no later than October 31, 2001. EPA Region 8 will review all comments and address them in the form of a responsiveness summary to be included in the publication of its final decision. Copies of EPA Region 8's decision will be sent to all persons who comment. A public hearing on EPA Region 8's implementation proposal will only be held if significant interest is shown. Mr. Minter can also be reached by telephone (1-800-227-8917, extension 6079) with any questions or for more information related to this notice. For more information on existing and new regulations affecting motor vehicle waste and other shallow disposal systems, please refer to the EPA's national Class V program web site: <http://www.epa.gov/safewater/uic/c5imp.html>.