

February 26, 2010
Water Docket
EPA Docket Center
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

**RE: Docket Number EPA-HQ-OW-2004-0038, Effluent Limitation
Guidelines and New Sources Performance Standards for the Airport
Deicing Category**

The National Air Transportation Association (NATA), the voice of aviation business, is the public policy group representing the interests of aviation businesses before the Congress, federal agencies and state governments. NATA's over 2,000 member companies own, operate and service aircraft and provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry providing services to the general public, airlines, general aviation and the military.

The U.S. Environmental Protection Agency has proposed Effluent Limitation Guidelines (ELG) and New Source Performance Standards (NSPS) for stormwater runoff produced from de-icing activities. These rules, if finalized, would require the collection and treatment, prior to discharge to surface waters, of spent aircraft de-icing fluids (ADF). These rules would be applicable only to primary commercial service airports with greater than 1,000 annual scheduled jet aircraft departures.

Airports, depending on the amount of annual glycol usage, would be required to collect either 20% or 60% of the used ADF. After collection, the used ADF would have to be treated prior to being discharged.

General Comment

While NATA appreciates the opportunity to provide comment on this NPRM, the association believes that the EPA has erred in its approach to this issue. These proposed ELG represent a broad approach to what is a very local issue. The EPA has proposed two specific technological means for compliance with these regulations, the use of glycol recovery vehicles (20% collection requirement) and centralized de-icing pads (60% collection requirement).

As is demonstrated by the sheer volume of data collected by the EPA, airports are complex facilities. Each airport's development and operation is affected by a variety of local and national factors. The success of airports is vitally dependent upon their ability to react to those specific conditions present at their facility.

Analysis of the EPA's centralized de-icing pad solution, alone, reveals the flaw in the national approach. This NRPM would require all airports subjected to the 60% collection to utilize central de-icing pads designed to capture spent ADF. This requirement is void of an analysis as to whether the individually affected airports have land available to construct these pads and whether that land is in a location that would allow for efficient ground traffic flows.

NATA is not suggesting that stormwater runoff from de-icing activities does not pose an environmental concern. Rather, NATA is suggesting that the EPA's one-size-fits-all approach to solving these concerns is not feasible as a nationwide standard. NATA believes that due to the complexity and vast local variation among individual airport operations, solutions to the environmental concerns resulting from de-icing runoff can be more efficiently developed on a case-by-case basis through cooperation between airport sponsors, airport users and permitting authorities.

While NATA believes that the approach taken by this NPRM is incorrect and will cause harm to airports and in turn the national airspace system, the association would like to submit the following specific comments to the NPRM as proposed.

Applicability of Rulemaking

The ELGs and NSPSs proposed by this NPRM are applicable to Primary Commercial Airports that conduct de-icing activities and have greater than 1,000 scheduled jet aircraft departures annually. The rule further classifies applicable airports by total annual departures (greater or less than 10,000) and by de-icing fluid usage (greater or less than 460,000 gals). An airport classified as less than 10,000 total annual departures is not subject to the ADF collection requirement of the ELG.

Comment –

1. NATA assumes that the establishment of the 10,000 total departure classification is meant to offer an exemption to airports that only use a limited amount of ADF. NATA is concerned that affected airports with greater than 10,000 total annual departures but with relatively low ADF usage will face significant cost in meeting the collection and treatment requirements of the ELG without a similar, positive, environmental benefit. NATA suggests that the EPA institute, in addition to the current classification, a de minimus level of ADF usage that would exempt those airports from the collection and treatment requirements. Failure to do so would, in effect, unfairly target airports with higher total annual departures but low ADF.
2. Part 449.2, General Definitions, reads: "Annual jet departures means the average number of commercial jet aircraft that take off from an airport on an annual basis..." However, Part 449.1, Applicability reads: "*annual scheduled commercial air carrier jet departures.*" NATA believes that the pertinent part of 449.2 should be rewritten to

read: “*Annual jet departures means the average number of **scheduled** commercial jet aircraft that take off from an airport on an annual basis...*”

Glycol Recycling

NATA has received communication from its members who were concerned that this NPRM mandated treatment of collected de-icing runoff and disallowed the recycling of glycol.

Comment –

NATA’s reading of the NPRM language does not lead the association to believe that there are any provisions prohibiting the recycling (as opposed to treating and discharging) of collected glycol. However, NATA asks that the EPA further address the appropriateness of glycol recycling in the NPRM preamble to prevent any confusion.

Definition of New Source

EPA proposed to define a “New Source” as:

1. Any new Primary Airport constructed after [date of promulgation];and
2. Any new runway constructed at a Primary Airport, the de-icing operations associated with the departures on the new runway and the de-icing of paved surfaces associated with the new runway.

Comment –

NATA disagrees with the designation of new runway construction as a new source. NATA believes that the existing structure of the rule accounts for any significant increases in de-icing activity relating to airport expansion. If, after expansion, an airport’s annual ADF usage remains below the 460,000-gallon threshold, it is nonsensical to require multi-tiered compliance at the same facility. In the event that an airport expansion does create enough additional de-icing activity so as to bring the facility above the 460,000-gallon threshold, the airport would then be subject to the higher collection standards contained in the ELG, which are equivalent to the NSPS.

Safe Taxiing

Section 449.20(b)(1)(ii)(B) stipulates that no more than 25 gallons of normalized ADF fluid may be applied to an aircraft for safe taxiing if the airport is operating a centralized de-ice pad to comply with the ELG’s collection requirements.

Comment –

NATA strongly objects to the EPA placing any limits on the amount of ADF that may need to be applied to an aircraft for safe operations, including taxiing. By proposing a

limit on the amount of ADF that may be applied for safe taxiing of an aircraft, the EPA is operating far outside of its area of expertise and authority.

Conclusion

NATA believes that the issuance of these proposed ELG and NSPS represent an improper approach to dealing with the environmental concerns relating to runoff from de-icing activities at airports. The issuance of ELG and NSPS require airports to comply with specific facility, equipment and procedural mandates imposed by the EPA, an agency unfamiliar with and ill prepared to deal with the demanding nature of airport operations. NATA believes that addressing de-icing runoff concerns with an inflexible national standard will harm airports, aircraft operators, the flying public and the national economy. NATA recommends that the EPA refine its approach to a case-by-case basis where the specific environmental needs can be effectively balanced with the operational needs of individual airports.



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