

## Aviation Group Client Update

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### EPA ISSUES FINAL RULE ON ELG FOR AIRPORT DEICING

Last week, the Environmental Protection Agency (EPA) published a [final rule](#) regarding effluent limitations guidelines (ELG) and new source performance standards (NSPS) for the airport deicing category.

The EPA is promulgating technology-based effluent limitations guidelines and new source performance standards under the Clean Water Act (CWA) for discharges from airport deicing operations. The requirements generally apply to wastewater associated with the deicing of airfield pavement at primary airports.

The final rule requires airports to comply with requirements based on substitution of less toxic pavement deicers. Also, the rule establishes NSPS for wastewater discharges associated with aircraft deicing for a subset of new airports. Airports within the scope of this rule are required to collect spent aircraft deicing fluid (ADF) and meet numerical discharge limits. Those airports and certain existing airports performing airfield pavement deicing are to use non-urea-containing deicers, or alternatively, meet a numeric effluent limitation for ammonia.

In addition, the ELGs and NSPS will be incorporated into National Pollutant Discharge Elimination System (NPDES) permits issued by the permitting authority.

The final rule becomes effective on **June 15, 2012**. Please contact our office with questions about how the final rule impacts your operation.

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McBreen & Kopko's Aviation Group represents air carriers, fixed base operators (FBOs), airport managers, aviation service providers, and business aircraft owners and operators on a wide range of aviation issues including regulatory matters, commercial transactions, aircraft finance matters, and bankruptcy and creditors' rights.