

Public Notice Beginning Date: January 30, 2009
Public Notice Ending Date: February 3, 2009

Section 401 of the Federal Water Pollution Control Act
Amendments of 1972

Amended Section 401 Water Quality Certification to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-0610

Project Description: Proposal to amend Condition No. 9 of Section 401 Water Quality Certification for Vessel Discharges Incidental to the Normal Operation of Commercial Vessels and Large Recreational Vessels, pursuant to Condition No. 10 of the 401 Certification dated November 21, 2008. Condition No. 9 is being amended to include a three year schedule of compliance for the requirement prohibiting the discharge of untreated graywater.

Discharge Location: Lake Michigan, and all water bodies capable of allowing commercial shipping traffic.

Name of Receiving Waters: The waterways generally affected by this permit include the Mississippi River, the Ohio River, the Kaskaskia River from its confluence with the Mississippi River to Fayetteville, the Illinois Waterway which includes the Chicago Sanitary and Ship Canal, the Calumet Sag Channel, the Little Calumet River from its junction with the Grand Calumet River to the Calumet Sag Channel, the Grand Calumet River, the Calumet River, Lake Calumet, the South Branch of the Chicago River, the North Branch of the Chicago River from its confluence with the North Shore Channel to its confluence with the South Branch, the North Shore Channel, the Des Plaines River from its confluence with the Chicago Sanitary and Ship Canal to its confluence with the Illinois River, and the Illinois River. This permit also affects Lake Michigan.

The IEPA is proposing to amend Condition No. 9 of the Section 401 Water Quality Certification to the United States Environmental Protection Agency (USEPA) for discharges from vessels covered by USEPA's National Pollutant Discharge Elimination System (NPDES) Vessel General Permit, for Discharges Incidental to the Normal Operation of Commercial Vessels and Large Recreational Vessels (VGP). A copy of USEPA's NPDES permit and fact sheet is available on their website at www.epa.gov/npdes/vessels. The Illinois Environmental Protection Agency hereby requests **comments on its proposal to amend Condition No. 9 (only)** of its Section 401 Water Quality Certification for vessel discharges.

Following the November 21, 2008 issuance of the original certification, the Agency received comments from the river tow, tug, and barge industry indicating that those types of vessels are not currently capable of complying with the prohibition on the discharge of graywater contained in the certification by February 6, 2009. These wastestreams are currently discharged during the

normal operation of the vessels, and the vessels in question are not currently equipped to hold or treat these wastestreams. Given the time required to schedule, engineer, test, and retrofit these vessels, the Agency is proposing to amend Condition No. 9 of the original certification to allow a period of three years to install holding tanks, or approved Marine Sanitation Devices to prevent the discharge of untreated graywater to waters of the State of Illinois.

The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. Interested persons are invited to submit written comments on the amended Condition No. 9 of the original certification to the IEPA at the above address. Commentors shall provide their names and addresses along with comments on the proposed amendment. Comments must be received by the Public Notice period ending date.

A copy of this Fact Sheet and the Draft amended Condition No. 9 are available on the IEPA website at www.epa.state.il.us/public-notices/.

If written comments are received requesting a public hearing, the IEPA may, pursuant to Section 395.206, hold a public hearing. If a final action is taken on the proposed amendment, response to relevant comments will be provided at the time of issuance. For further information, please contact Darin LeCrone at 217/782-0610.

217/782-0610

(***** DRAFT*****)

Ms. Tinka Hyde
Director, Water Division
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: NPDES Vessel General Permit – Discharges Incidental to the Normal Operation
of Commercial and Large Recreational Vessels
Amended Condition No. 9 of Original Section 401 Certification

Dear Ms. Hyde:

The Illinois Environmental Protection Agency (IEPA) has reviewed the United States Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) general permit for Discharges Incidental to the Normal Operation of Commercial and Large Recreational Vessels (Vessel General Permit) pursuant to certification under Section 401 of the Clean Water Act. The Vessel General Permit covers all discharges from commercial and large recreational vessels, as defined in the permit, that take place within all waters of the State of Illinois. The Agency is hereby amending Condition No. 9 of the original 401 Water Quality Certification issued November 21, 2008.

The Illinois Environmental Protection Agency hereby certifies that the Vessel General Permit will comply with Illinois Water Quality Standards pursuant to Section 401 of the Clean Water Act. This certification is issued subject to the following conditions:

1. Discharges of wastestreams containing Bioaccumulative Chemicals of Concern (BCCs) from vessels covered by the Vessel General Permit shall be consistent with the provisions of 35 Ill. Adm. Code 302.520, 302.521, and 302.530.
2. All discharges to Waters of the State from vessels covered by the Vessel General Permit shall not cause a violation of Illinois Water Quality Standards, as found at 35 Ill. Adm. Code Part 302 or effluent standards, as found at 35 Ill. Adm. Code Part 304.
3. No effluent from any vessel covered by the Vessel General Permit shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels, pursuant to 35 Ill. Adm. Code 304.106.

4. Any vessel covered by the Vessel General Permit discharging ballast water employing ballast water treatment systems using chlorine shall not exceed a maximum total residual chlorine limit of 0.05 mg/l. The usage of other biocides shall not cause a violation of applicable water quality standards and shall not be discharged in concentrations considered to be toxic or harmful to aquatic life, pursuant to 35 Ill Adm. Code 302.210, 302.410 and 302.540.
5. The discharge from any vessel covered by the Vessel General Permit shall be free from any substances or combination of substances in concentrations toxic or harmful to human health, or to animal, plant or aquatic life, pursuant to 35 Ill Adm. Code 302.210, 302.410 and 302.540.
6. No bilge or ballast water from vessels covered by the Vessel General Permit which fails to meet the effluent standards of Part 304 shall be discharged to waters of the State pursuant to 35 Ill. Adm. Code 308.103.
7. Except as provided in Condition No. 8, discharges of ballast water from vessels covered by the Vessel General Permit to the Illinois portion of Lake Michigan must meet the International Maritime Organization certified treatment standard according to the following schedule:
 - a. For vessels constructed prior to January 1, 2012, meeting the applicability criteria in the federal NPDES permit, treatment shall be installed and operational to meet the performance standards for organisms included in Table A by January 1, 2016.
 - b. For vessels constructed after January 1, 2012, meeting the applicability criteria in the federal NPDES permit, treatment shall be installed and operational to meet the performance standards for organisms included in Table A prior to commencement of vessel operation.

Table A. Biological Performance Standards for Ballast Water Treatment Technology

Parameter	Limit	Limit Type	Sample Type
Organisms >50um in minimum dimension	<10 viable /m ³	Daily average	Composite
Organism 10-50 um in minimum dimension	<10 viable /ml	Daily average	Composite
Escherichia coliform	<250 cfu / 100 ml	Daily average	Composite
Intestinal enterococci	<100 cfu / 100 ml	Daily average	Composite

Analysis required by the above table shall be performed consistent with current protocols.

8. If ballast water treatment technologies, standards or limitations are adopted or approved by the USEPA, the U.S. Coast Guard, or other duly authorized Federal Agency and incorporated into the Vessel General Permit, the Agency will review the new or modified Vessel General Permit to ensure compliance with applicable Illinois laws and regulations. Based on that review, the Agency will waive, modify the existing certification or issue a new certification pursuant to Section 401 of the Clean Water Act.
9. Discharges of untreated blackwater from vessels covered by the USEPA Vessel General Permit are prohibited in waters of the State of Illinois.

The discharge of untreated graywater from vessels covered by the USEPA Vessel General Permit is subject to a compliance period of three years from the date of issuance of this certification. At the end of this three year period, discharges of untreated graywater from vessels covered by the USEPA Vessel General Permit are prohibited in waters of the State of Illinois.

10. If the IEPA determines that vessel discharges covered by the Vessel General Permit cannot comply with the conditions of this certification or the Illinois Water Quality Standards, then this certification may be amended to include different limitations, conditions, or requirements which are consistent with applicable laws, regulations, or judicial orders. The Agency will public notice any proposed amendments to this certification.
11. The issuance of this certification pursuant to Section 401 of the Clean Water Act does not release any dischargers from responsibilities or liabilities for past or future violations of federal, state, or local laws or regulations, nor does it release any potential dischargers from the responsibility of obtaining permits, including any from the IEPA, or other approvals from other units of government as may be required by law.

Should you have any questions or comments regarding the content of this letter, please contact me or Darin LeCrone of my staff at the above telephone number and address.

Sincerely,

Alan Keller, P.E.
Manager, Permit Section
Division of Water Pollution Control