



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

217/782-0610

November 21, 2008

Mr. Tim Henry
 Acting Director, Water Division
 United States Environmental Protection Agency
 77 West Jackson Boulevard
 Chicago, Illinois 60604

Re: Draft NPDES Vessel General Permit – Discharges Incidental to the Normal
 Operation of Commercial and Large Recreational Vessels
 Section 401 Certification

Dear Mr. Henry:

The Illinois Environmental Protection Agency (IEPA) has reviewed the United States Environmental Protection Agency's Draft 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 as drafted 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 Illinois Environmental Protection Agency hereby certifies that the draft 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.

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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 blackwater and 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 McCrone of my staff at the above telephone number and address.

Sincerely,



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