



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

DAVID P. LITTELL

GOVERNOR  
October 8, 2008

COMMISSIONER

David Webster  
Chief, Industrial Permits Unit  
Office of Ecosystem Protection  
USEPA  
1 Congress Street, Suite 1100  
Boston, MA 02114-2023

RE: Draft National Pollutant Discharge Elimination System Vessel General Permit for Discharges Incidental to the Normal Operation of Commercial Vessels and Large Recreational Vessels (VGP) dated June 17, 2008; Maine 401 certification W009028-A-N.

Dear Mr. Webster:

Enclosed please find a copy of your **final** State of Maine Certification of the draft National Pollutant Discharge Elimination System Vessel General Permit for Discharges Incidental to the Normal Operation of Commercial Vessels and Large Recreational Vessels (VGP) dated June 17, 2008 pursuant to Section 401 of the Clean Water Act and 40 CFR Section 124.53, which was issued by the Maine Department of Environmental Protection ("Department").

It is the Department's conclusion that the conditions imposed by this certification cannot be made less stringent without violating the requirements of State law, including water quality standards.

Any interested person aggrieved by the Department's certification may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

If you have any questions or concerns, please do not hesitate to contact me at 207-287-7905 or [pamela.d.parker@maine.gov](mailto:pamela.d.parker@maine.gov).

Sincerely,

Pamela Parker  
Division of Water Resource Regulation  
Department of Environmental Protection

PC Todd Burrows, SPO  
Sara Green, USEPA

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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE HOUSE STATION 17      AUGUSTA, MAINE 04333

DEPARTMENT ORDER  
IN THE MATTER OF

VESSEL GENERAL PERMIT FOR	)	
DICHARGES INCIDENTAL TO THE	)	CERTIFICATION
NORMAL OPERATION OF COMMERCIAL	)	PURSUANT TO THE FEDERAL
VESSELS AND LARGE RECREATIONAL	)	WATER POLLUTION
VESSELS	)	CONTROL ACT
W009028-68-A-N <b>APPROVAL</b>	)	

Pursuant to Section 401 (a) of the Federal Water Pollution Control Act (33 USC 1341), as amended (Act), and 38 M.R.S.A. § 464, *et seq.*, I hereby certify that the discharges incidental to the normal operation of a vessel described in the above captioned draft National Pollutant Discharge Elimination System Vessel General Permit for Discharges Incidental to the Normal Operation of Commercial Vessels and Large Recreational Vessels (VGP) dated June 17, 2008 will comply with the applicable provisions of 301, 302, 303, 306, and 307 of the Act subject to the following conditions. As amended by the following conditions, the discharges described will not lower the quality of the receiving waters (SA, SB, SC, GPA, B or C) below the minimum requirements of their classification and will satisfy the appropriate requirements of Maine Law.

**TERMS AND CONDITIONS**

Section 401 Water Quality Certification granted herein is subject to the following conditions:

1. Large Commercial Passenger Vessels that provide overnight accommodations for 250 or more overnight passengers are prohibited from discharging graywater or a mixture of graywater and blackwater to the coastal waters unless they first obtain authorization to discharge through Maine Department of Environmental Protection General Permit #W008222-5Y-A-N dated December 22, 2005.<sup>1</sup>
2. Large Commercial Passengers Vessels are prohibited from discharging graywater into No Discharge Areas designated pursuant to section 312 of the Act, 33 CFR Part 159 and 40 CFR Part 140.
3. Large Commercial Passenger Vessels must report discharges of blackwater or graywater not authorized through Permit #W008222-5Y-A-N, or discharges to No Discharge Areas, to the Department.<sup>2</sup>
4. No vessel covered by the VGP may discharge pollutants to Class GPA or class SA waters.<sup>3</sup>

<sup>1</sup> 38 M.R.S.A. §423-D

<sup>2</sup> 38 M.R.S.A. §423-D

<sup>3</sup> 38 M.R.S.A. §465-A (1) and 38 M.R.S.A. §465-B(1)

5. No vessel covered by the VGP may conduct underwater hull cleaning except as part of emergency hull repairs necessary to secure the vessel or saving a life at sea. The Maine Department of Environmental Protection has determined that removal of biological growth, debris, or scrubbing the hull to reveal fresh antifouling coatings will invariably release pollutants at levels potentially toxic to the marine environment.

This certification is made for the discharges incidental to the normal operation of a vessel described in the draft VGP dated June 17, 2008. If the draft VGP dated June 17, 2008 is revised to cover new or different discharges, this certification is null and void and a new certification from Maine will be required.

DONE AND DATED AT AUGUSTA, MAINE, THIS 9<sup>TH</sup> DAY OF OCTOBER, 2008.  
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:

  
DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date filed with Board of Environmental Protection \_\_\_\_\_

Order Prepared by Pamela Parker, Bureau of Land and Water Quality