

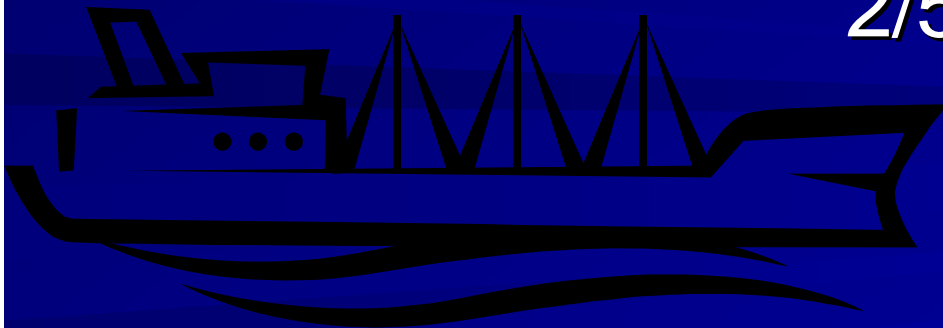


# EPA's Vessel General Permit (VGP)

An Introduction to the Final VGP

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# Guide to Our Webcasts

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# Outline

- Who Needs Permit Coverage
- The VGP, including
  - Section highlights
  - Answers to frequently asked questions
  - Poll Questions





# Clean Water Act Authority

- Until February 6, 2008, there is a regulatory exemption from NPDES permitting of discharges “incidental to the normal operation of a vessel.”
- Due to court order, this exemption will be vacated.
- As a result, many vessels must have a 402 Clean Water Act NPDES permit to discharge legally after that date.



# Background Resources

- For additional information regarding the Clean Water Act and Vessel Permitting, please see –
  - First portion of the proposed vessel permits webcast (Deborah Nagle Speaking), or
  - Presentation titled “Clean Water Act Permitting and Operational Discharges from Vessels”
    - Because these presentations took place last year, they do not reflect congressional action to exclude certain vessels or the court’s extension of the vacatur date to Feb. 6
- Both are available at:  
[www.epa.gov/npdes/vessels](http://www.epa.gov/npdes/vessels) (currently near the bottom of the page)



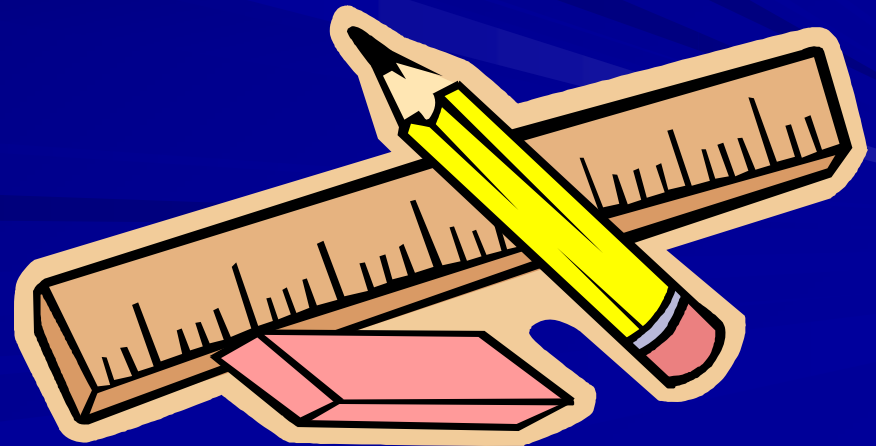
# Do I need coverage under the VGP?

- If you discharge into Waters of the United States, you need to have an NPDES permit for your discharge(s), unless you are one of the following types of vessels:
  - Recreational Vessel, regardless of size (as defined in CWA section 502(25))
  - Vessel of the Armed Forces, as defined in Section 40 C.F.R. § 1700.3.
  - Vessel less than 79 feet (unless discharging ballast water)
  - Commercial fishing vessel of any size (unless discharging ballast water)



# Frequently Asked Question #1

- Should I use the “documented length” of my vessel for determining whether my vessel is eligible for coverage for purposes of the VGP?
  - Yes, documented length is the appropriate standard to use to determine length.





# What if I don't want coverage under the VGP?

- The Vessel General Permit will be the most efficient approach to obtaining permit coverage for most vessel owners and operators.
- You may also apply to EPA for an individual permit consistent with the regulations found at 40 CFR §§ 122.21 and 122.28



# Vessel General Permit (VGP) Issuance

- June 17, 2008 - Federal Register notice (73 FR 34296)
  - Proposed for public comment two NPDES general permits for discharges incidental to normal operation of vessels: the Vessel General Permit and the Recreational Vessel General Permit.
  - The Recreational Vessel General Permit was not finalized due to the July 2008 Congressional legislation excluding recreational vessels from NPDES permitting (PL 110-288).



# Vessel General Permit (VGP) Issuance

- December 18, 2008 – final VGP issued (Federal Register notice on December 29, 2008 (73 FR 79473))
  - Final VGP covers:
    - All discharges incidental to normal operation of non-recreational vessels 79 feet or longer, except commercial fishing vessels.
    - For ballast water discharges, permit covers all non-recreational vessels (including commercial fishing vessels and vessels less than 79 feet).



# Questions





# Permit Overview

- Initial Issuance of Vessel General Permit (VGP) is national in scope
  - There are additional state-specific requirements issued via the 401 certification process
  - Additional requirements submitted by 28 states and tribes
- No EPA fees for the VGP
- Jurisdiction of the permit covers inland waters and 3 nautical mile (nm) Territorial Sea



# VGP Structure

- Part 1 – Coverage under the Permit
  - (General Information and Standard Requirements)
- Part 2 – Effluent Limits and Related Requirements
- Part 3 – Corrective Actions
- Part 4 – Inspections, Monitoring, Reporting, and Recordkeeping
- Part 5 – Vessel Class-Specific Requirements
- Part 6 – State 401 certification conditions
- Appendices





# Part 1 – Coverage under the Permit

- Vessel Discharges Eligible for Coverage
  - List of Incidental Vessel Discharges
- Vessel Discharges Not Eligible for Coverage include, but are not limited to:
  - Discharges previously permitted by NPDES
  - Sewage
  - Used or Spent Oil
  - Garbage or Trash
  - Medical Waste
  - Tetrachloroethylene degreasers



# Part 1 – Coverage under the Permit

- For most CWA general permits, permittees must file a Notices of Intent (NOI) to obtain coverage
- However, for the VGP, NOI required by September 19, 2009 only for certain vessels:
  - Greater than or equal to 300 gross tons; or
  - Have a ballast water capacity of at least 8 cubic meters
  - These vessels can begin submitting NOIs on June 19, 2009
- All other vessels are granted coverage without submitting an NOI



## Frequently Asked Question #2

- Can I submit my NOI before June 19, 2009?
  - You can submit the NOI early, although EPA recommends against this. EPA will not process the notices before June 19, 2009.
  - Furthermore, EPA is currently constructing an electronic filing system which should significantly reduce the time to complete NOIs for permittees. EPA strongly recommends that permittees use the electronic NOI system.



# Part 2 - VGP Effluent Limits and Related Requirements

2

- Technology-Based Effluent Limits applicable to all vessels
- Technology-Based Effluent Limits for specific discharge types
  - 26 discharge types listed
- Water Quality-based Effluent Limits (WQBELs)



# VGP: Effluent Limits

## Applicable to all vessels

- Five effluent limits apply to all vessels:
  - Material Storage
  - Toxic and Hazardous Materials
  - Fuel Spills and Overflow
  - Discharges of Oil and Oily Mixtures
  - Compliance with other Regulations and Statutes Applicable to Incidental Discharges



# Discharge-Specific Effluent Limits

2.2

- 26 discharges identified, each with at least one BMP associated with the discharge. We will discuss a selected highlights from a few of these today:
  - Deck Washdown and Runoff and Above Water Line Hull Cleaning
  - Bilgewater
  - Ballast Water
  - Anti-foulant Hull Coatings
  - Oil to Sea Interfaces
  - Graywater



# Deck Washdown and Runoff

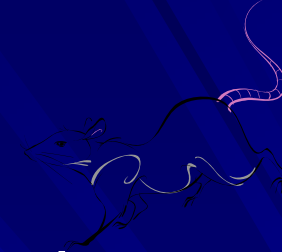
2.2.1

(selected highlights)

- Permittees must use cleaners and detergents that are
  - phosphate-free
  - non-toxic
- Recommend that permittees use cleaners and detergents that are biodegradable and minimally caustic
- Permittees must maintain tidy decks and minimize garbage and other debris from entering waters subject to this permit
- Minimize deck washdowns while in port (anchored, secured, or otherwise moored)



# Bilgewater



- Unless technologically infeasible to do so or required for safety and stability, vessels greater than 400 gross tons which leave waters subject to this permit shall not discharge bilgewater into waters
  - within 1 nm of shore unless technologically infeasible
  - Between 1 and 3 nm unless sailing at least 6 knots.
  - And into “Part 12 waters”
- Discharges must not cause a visible sheen or otherwise be in a quantity that may be “harmful.”
  - Oil in discharges that may be harmful is a defined term in Clean Water Act regulations and this permit
- Must not add dispersants, detergents or other substances to remove the presence of a visible sheen in discharges



# Discharge Specific Limits: 2.2.3

## Ballast Water

- Incorporates Coast Guard mandatory management and exchange requirements
- Vessels engaged in Pacific Nearshore Voyages must conduct exchange greater than 50 nm from the coast
- Mandatory saltwater flushing for all vessels with residual ballast water and sediment (NOBOBs) coming from outside the USEEZ





# Discharge Specific Limits: 2.2.3

## Ballast Water (cont.)

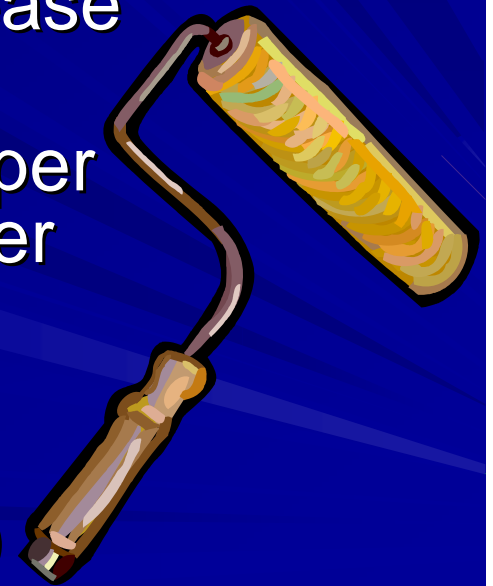
- If vessel is capable, must use shore-based treatment if available and economically practicable and achievable
- Must conduct exchange as early as practicable
- Exchange/flushing requirements have a safety exemption and do not mandate diversion.
- Reopener clause in the permit to allow for inclusion of a more stringent standard if appropriate before permit reissuance.





# Anti-foulant Hull Coatings

- All coatings subject to FIFRA (e.g., if produced for sale or distribution in the United States)
- No coatings may contain any materials banned for use in the United States
- At time of reapplication, must give consideration for biocide with lowest release rate, as appropriate
- If you spend more than 30 days in a copper impaired water, must consider non-copper based alternatives
  - If you still use copper-based biocide, must document why decision was reached
- Prohibits organotin discharge (e.g., TBT)
  - If currently coated in TBT, must remove or overcoat





# Oil-to-Sea Interfaces

- All Oil-to-Sea interfaces (as all discharges) are subject to limitations for discharges of oil, including oily mixtures (Part 2.1.4) (e.g., no visible sheen)
- Must maintain all seals to minimize discharge
- Perform maintenance out of waters when feasible.
- If performing maintenance on stern tubes in water, must have ready access to appropriate spill response resources.
- Use environmentally preferable lubricants when feasible
  - Use of environmentally preferable lubricants does not authorize discharge in quantities that may be harmful.



# Graywater

- Must use phosphate free and non toxic soaps and detergents
- All vessels must minimize discharge 'in port'
- If over 400 Gross Tons, regularly leave waters subject to this permit, and you have storage capacity, may not discharge untreated graywater within 1 nm.
- If you have storage capacity and do not leave waters subject to this permit, must treat or dispose of onshore if facilities are available and disposal is economically practicable and achievable.





# WQBELS

- Each permittee must control its discharge as necessary to meet applicable water quality standards
- Additional conditions given via the State 401 certification process (Part 6 of the Permit)



# Questions





## Part 3 - VGP Corrective Actions

3

- The permit requires the permittee to take corrective action when they become aware of a violation
- Original exceedance of an effluent limit is a permit violation
- Furthermore, failure to take corrective action within specified time period is another permit violation





# Part 3 - VGP Corrective Actions

3

- Corrective actions must be taken:
  - Minor changes: within two weeks
  - Major changes (requiring new parts): within three months
  - Major renovations: before relaunching from the next drydocking (typically a 5 year cycle)





## Part 4

# Inspections and Monitoring

### ■ Self inspections

#### – Routine visual inspections

- To be conducted the greater of once per voyage (maximum of once per day) or once per week.

#### – Annual vessel inspections are more comprehensive and must focus on areas likely to generate harmful pollution or violate effluent limits.

- Annual inspections do not require drydocking.

#### – Dry dock Inspection: More comprehensive than annual inspection and only required in coordination with dry docking (does not mandate additional dry docking).

### ■ Analytical monitoring for select cruise ships and vessels with experimental ballast water treatment systems



## Part 4

# Recordkeeping and Reporting

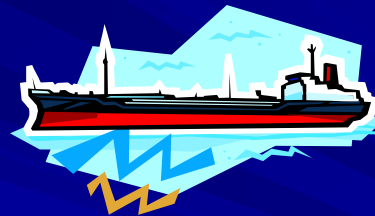
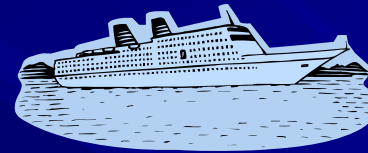
- Recordkeeping
  - Records must include owner and voyage information, additional maintenance & discharge information, certification, safety exemptions claimed, and any monitoring or inspection results
- Reporting required for ballast water release (to Coast Guard), spills that endanger health or welfare, spills of oily materials, and annual noncompliance
- One-time report for all vessels (30-36 months after obtaining permit coverage)
- Discharge monitoring reports for select cruise ships and vessels with experimental ballast treatment systems

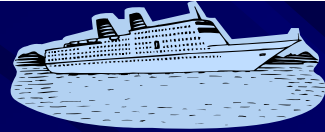


# Vessel Class-Specific Requirements

Eight classes or types:

- Medium Cruise Ships
- Large Cruise Ships
- Large Ferries
- Oil or Petroleum Tankers
- Barges
- Research Vessels
- Emergency Vessels
- Vessels with Experimental Ballast Water Treatment Systems





5.1 & 5.2

# Cruise Ship Requirements

- If discharging within 1 nm from shore, large cruise ships and most medium cruise ships must meet secondary treatment standards for graywater if discharging within 1 nm from shore.
  - Requires limited monitoring (5 times to show system effective; 4 times per year subsequently)
- If discharging between 1 and 3 nm, must either meet secondary standards or be underway at least 6 knots
- Discharge location limitations
  - Must hold if vessel has capacity in nutrient impaired estuaries
  - if discharging must meet secondary standards (large cruise ships only) or at a minimum of 6 knots (medium cruise ships)
- Education and training requirements
- Additional requirements for pool and hot tub discharges



5.3 – 5.7

# Vessel Specific Sections

- Contain additional authorized discharges or effluent limits as appropriate.
- Education requirements (Large Ferries, Tankers)
- Supplemental Inspection Requirements (Barges, Tankers)



# Experimental Ballast Water Treatment Systems

5.8

- Permittees are authorized to discharge residual biocides from ballast water treatment systems: must meet appropriate limits.
- If biocide and expected residual have water quality criteria, discharge must be:
  - Lower than acute water quality criteria
  - Lower than 100 ug/L of residual chlorine
- If biocides or expected residuals do not have water quality criteria
  - Conduct Whole Effluent Toxicity Testing  
(Procedure outlined in Appendix J (15))
- Permittees may seek individual permit coverage if they do not meet these terms



# Questions





# 401 Certification Requirements

- Vary from State to State – 28 States, Tribes, and Territories added additional conditions
  - Some are being challenged in state courts or administrative proceedings
- EPA strongly recommends that permittees read the conditions for each States' or Tribes' waters in which they will be operating
- If permittees have questions regarding conditions in a given States' waters, EPA advises the permittees to contact the State Agency directly.



# 401 Certification Requirements

- State 401 certification conditions include additional provisions for (varying by State):
  - Ballast Water
    - Several States include various treatment standards for living organisms or treatment procedures with schedules for implementation
  - Bilgewater
  - Graywater
    - Several states prohibit graywater discharges for certain vessels, in certain waters, or in future years.
  - Underwater Ship Husbandry
  - Discharge Location Limitations
  - Additional Monitoring and/or Reporting



# Appendices

- Definitions
- EPA Regional Contacts
- Areas Covered
- Notice of Intent
- Notice of Termination
- List of all resource areas containing 'waters federally protected for conservation purposes.
- One Time Report
- Discharge Monitoring Report
- Procedure for Whole Effluent Toxicity Testing for select Ballast Water Treatment Systems



# Notice of Intent

- Requires select permittees to complete information to maintain coverage beyond September 19, 2009. Information includes:
  - Vessel and owner/operator information
  - General Vessel Voyage Information
  - Discharge Information
  - Certification
- By June 19, EPA will complete two tools to make completing NOIs easier.
  - eNOI system
  - Fillable PDF form



# Notice of Termination

- Permittee must submit when wishing to permanently terminate coverage under the VGP.
- Permittees need not submit NOTs every time they leave waters subject to this permit (e.g. international voyages).
- Basic owner/operator and vessel information, followed by certification.



# Waters Federally Protected for Conservation Purposes<sup>12</sup>

- Contains a complete list of several resource protection areas, including:
  - Marine Sanctuaries
  - A unit of the National Park System
  - A unit of the National Wildlife Refuge System
  - National Wilderness Areas
  - Incorporates (though does not list) Outstanding National Resource Waters (ONRWs), listed by State or Tribe.



# One Time Report Discharge Monitoring Report

- Simple report (6 questions)
  - Assures permittees are in basic compliance with the permit and to
  - Gives EPA information about the impact of the first permit iteration.
  
- Discharge Monitoring Report
  - Required for analytical monitoring reporting for Cruise Ships and some experimental ballast water treatment systems
  - Available as a fillable PDF on the VGP website.



# Frequently Asked Question #3

- Can I complete a single NOI for my fleet?
  - No, EPA requires a separate NOI for each vessel which must submit the NOI to continue coverage. However, EPA is researching tools to assist vessel owner/operators of multiple vessels to assist in more efficiently completing the NOIs.



# Questions





# Other resources

## ■ VGP fact sheet

- Similar to a rule preamble, this document explains EPA's logic behind many decisions

## ■ Docket

- Has numerous background papers, also includes Response to Comment Document and other supporting information.
- Available at [www.regulations.gov](http://www.regulations.gov), Docket # OW-2008-0055.



# For More Information

■ Visit [www.epa.gov/npdes/vessels](http://www.epa.gov/npdes/vessels)

Or email:

■ [commercialvesselpermit@epa.gov](mailto:commercialvesselpermit@epa.gov)