



Coastal Coordination Council

P.O. Box 12873 ♦ Austin, Texas 78711-2873 ♦ (800) 998-4GLO ♦ FAX (512) 475-0680

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Texas Land Commissioner



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Jesse Solis, Jr.
Permit Service Center
Corpus Christi
1-866-894-3578

Permit Service Center
Galveston
1-866-894-7664

October 15, 2008

Mr. Miguel Flores
US Environmental Protection Agency
Region 6
1445 Ross Avenue Suite 1200
Dallas Texas 75202-2733

6WQ

OCT 21 2008

RECEIVED

**Re: NPDES Recreational Vessel General Permit (RGP) for Discharges
Incidental to the Normal Operation of a Vessel
CMP #: 08-0201-F2**

Dear Mr. Flores:

Please disregard the letter dated August 21, 2008.

Pursuant to Section 506.20 of 31 TAC of the Coastal Coordination Act, the project referenced above has been reviewed for consistency with the Texas Coastal Management Program (CMP).

It has been determined that there are no significant unresolved consistency issues with respect to the project. Therefore, this project is consistent with the CMP goals and policies.

Sincerely,

Tammy S. Brooks
Consistency Review Coordinator
Texas General Land Office

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Buddy Garcia, *Chairman*
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6WQ-P TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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Protecting Texas by Reducing and Preventing Pollution

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August 8, 2008

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Mr. Miguel Flores
U.S. Environmental Protection Agency
Region 6 Water Quality Division
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: Vessel General Permit and Recreational Vessel General Permit 401 Certification Request

Dear Mr. Flores:

The Texas Commission on Environmental Quality (TCEQ) is requesting an extension of time to complete the 401 certification of the U.S. Environmental Protection Agency (EPA) draft Vessel General Permit and draft Recreational Vessel General Permit in order to complete TCEQ's notice requirements. I am pleased that our agencies have worked together to initiate the joint public notice process.

Recognizing the importance of having a mutually agreed upon deadline for a certification decision, the TCEQ requests your approval of the following process to define the due date. After the publication of the last public notice EPA will provide TCEQ with copies of all four notices. TCEQ will confirm through email that they have received the notices with a statement of the due date for a certification decision a minimum of 10 working days after the close of the all comment periods. Due to additional TCEQ requirements to notice other state agencies, this date will be no sooner than September 7, 2008.

Please provide a response to Ms. Yvonna Miramontes of the Water Quality Division MC-148, P.O. Box 13087 Austin, Texas 78711-3087. Ms. Miramontes may also be contacted by e-mail at ymiramon@tceq.state.tx.us, or by phone at (512) 239-6922

Sincerely,

L'Oreal W. Stepney, P.E., Director
Water Quality Division

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

6WQ-P

Protecting Texas by Reducing and Preventing Pollution

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November 7, 2008

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Mr. Miguel I. Flores
Director, Water Quality Protection Division
United States Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: Vessel General Permit 401 Certification Decision

Dear Mr. Flores:

This letter is in response to the Environmental Protection Agency's (EPA) July 7, 2008 request for the Texas Commission on Environmental Quality (TCEQ) to make a written determination regarding the certification under the Section 401 of the Clean Water Act for EPA's Vessel General Permit. This general permit authorizes discharges incidental to the normal operation of commercial vessels and large recreational vessels (greater than 79 feet) while operating in a capacity of transportation.

Authorization is for discharges that occur within inland waters and 3 nautical miles from shore. The EPA estimates that over 91,000 commercial vessels will require coverage under this general permit, with over 41,000 being U.S. flagged cargo and passenger vessels. Examples of the types of vessels that will be authorized by this general permit include barges, tankers, cruise ships, and mobile offshore drilling units. The permit authorizes 28 discharge types, including but not limited to graywater, refrigeration and air condensate, bilgewater, and deck washdown.

All technology-based limits are based on best professional judgment (BPJ). The technology-based limits are represented as best management practices (BMPs) including pollution prevention approaches and structural management practices. Each of the 28 discharge types has at least one BMP.

There are no numeric water quality-based effluent limits (WQBEL). The EPA expects that compliance with the technology-based limits and other permit requirements in the draft general permit will result in discharges that are controlled as necessary to meet applicable WQBELs.

Mr. Miguel I. Flores
Vessel General Permit 401 Certification Decision
Page 2

November 7, 2008

On behalf of the Executive Director, for purposes of Clean Water Act Section 401, the TCEQ waives state certification of the proposed Vessel General Permit.

If you require additional information or further assistance, please contact Ms. Yvonna Miramontes, Water Quality Permit Section, Water Quality Division (MC-148), or by phone at (512) 239-6922.

Sincerely,



L'Oreal W. Stepney, P.E., Director
Water Quality Division
Texas Commission on Environmental Quality

LWS/YM/sp

cc: Mr. Scott Wilson, EPA, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733