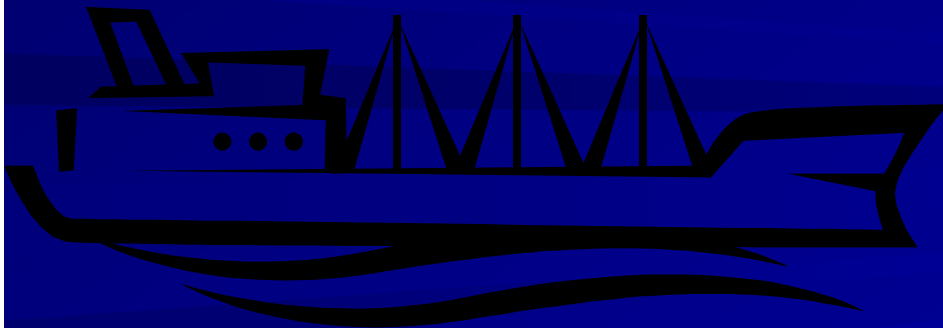




EPA's Efforts to mitigate invasive species under the Vessel General Permit (VGP)

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Juhi Saxena (EPA HQ)
Sean Ramach (EPA Region 5)
Bill Bolen (EPA GLNPO)
Ryan Albert (EPA HQ)





Outline

- Very brief overview of the VGP
- VGP implementation
 - Increasing State collaboration/coordination
 - Tools EPA may develop moving forward
- Questions/
Contact Info





Clean Water Act Authority

- 35 year regulatory exemption from NPDES permitting of “discharges incidental to the normal operation of a vessel.”
- Due to court decision, this exemption was vacated as of February 6, 2009 for most large non-recreational vessels.
- As a result, most non-recreational vessels must have a 402 Clean Water Act NPDES permit to discharge legally after that date.



What if a permittee doesn'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.
- Permittees 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

- Final VGP issued December 18, 2008
 - 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).



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
- Jurisdiction of the permit covers inland waters (including all of the US portion of the Great Lakes) 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





Coverage under the Permit

- NOI required by September 19, 2009 for certain vessels:
 - Greater than or equal to 300 gross tons; or
 - Have a ballast water capacity of at least 8 cubic meters
 - NOI system is up and running.
- All other vessels are granted coverage without submitting an NOI provided they follow terms of permit.





Discharge Specific Limits: Ballast Water

- Incorporates Coast Guard mandatory management and exchange requirements
- Pacific Nearshore Voyages
- Mandatory Saltwater Flushing nationwide
- Must conduct exchange as early as practicable
- If you are in STEP, or use approved Coast Guard treatment device, need not flush/exchange



Ballast Water Treatment Standards

- Why didn't EPA require numeric living organism Ballast Water Treatment Standards for the 2008 permit?
- EPA found that treatment technologies were not available and economically achievable as of December 18, 2008 under the Best Available Technology (BAT) standard.
- However, this does not mean that EPA believes strict numeric limits are inappropriate, but rather, that technologies were not 'available' as of permit issuance under this BAT standard.
 - EPA has previously supported legislation which set IMO standard as first step, 100 times more stringent than IMO standard as second step



Experimental Ballast Water Treatment Systems

- 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 (Part 15))
- Permittees may seek individual permit coverage if they do not meet these terms



Implementation

- EPA efforts primarily focused on compliance assistance to date.
- EPA and USCG working on inspection/enforcement strategies.





Implementation

- EPA to host Webcast on July 27th which will include
 - Discussions on using e-NOI
 - Other targeted topics
 - Approaches vessel owner/operators are following to meet terms of permit.



Tool Development

- E-NOI (deployed June 8, 2009)
- Tools EPA may develop include:
 - Public search interface for completed NOIs (by early/mid 2010)
 - Cruise Ship and Ballast Water Data e-reporting (by end of 2011)
 - Electronic one time report application (by end of 2011)
 - Electronic annual non-compliance report form (if needed and requested by permittees)



State Coordination on 401 Certification

- For the next issuance of the VGP, EPA is exploring options for facilitating greater state collaboration/coordination.
 - EPA will discuss possibilities with the States well before issuance of the next VGP.
- EPA may provide technical assistance to the States where appropriate.



Questions



For More Information:

- Visit www.epa.gov/npdes/vessels
- For most Great Lake States, contact **Sean Ramach (Region 5)** at **312-886-5284** with VGP related questions

Or email:

- commercialvesselpermit@epa.gov