



EPA's Vessel General Permitting Program

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CLEAN WATER ACT (CWA) PERMIT BASICS

For more info visit <http://cfpub.epa.gov/npdes/>

- “Discharge of a pollutant” generally prohibited without a permit [CWA section 301(a)]

- National Pollutant Discharge Elimination System (NPDES) Permits [CWA section 402]
 - Individual permits
 - General permits
 - Permit term not to exceed 5 years
 - For EPA-issued permits, State 401 certification and CZMA concurrences required



Establishing NPDES Effluent Limits



- Effluent limits [CWA section 301(b)]
 - Technology-based [CWA section 304(b)] (TBEL)
 - Generally, Best Available Technology (BAT) established on a Best Professional Judgment (BPJ) basis
 - Water quality-based [CWA section 301(b)(1)(c)] (WQBEL)
 - Generally, limit as stringent as necessary to comply with applicable water quality standards



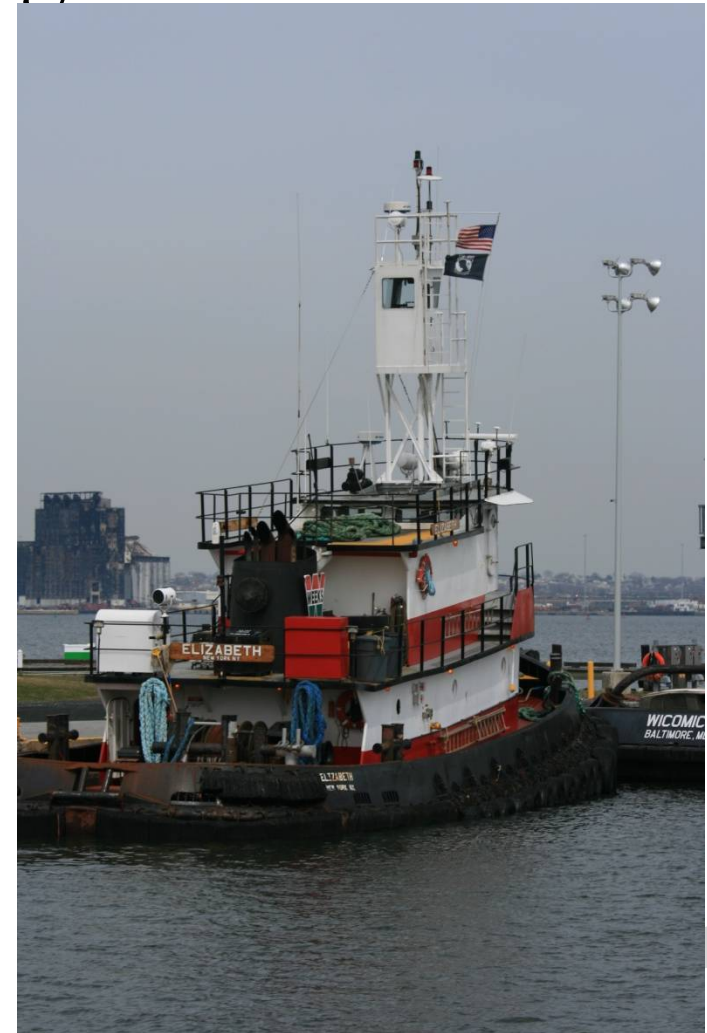
Brief History and Key Dates

- September 18, 2006: a U.S District Court issued an order revoking regulation (40 C.F.R. 122.3(a)) which meant that incidental discharges from vessels were required to have permits in 2008
- Summer 2008: P.L. 110-288 and P.L. 110-299 become law
- December 18, 2008: EPA finalizes first Vessel General Permit (2008 VGP)
- 2009-2011: EPA develops technical information for next VGP and gathers information from the regulated community
- February 2011: Compliance monitoring MOU signed between EPA and Coast Guard
- November 30, 2011: EPA releases draft 2013 VGP and sVGP
- February 21, 2012: Close of public comment period
- December 18, 2013: P.L. 110-299 (as amended by P.L. 111-215) permitting moratorium expires for commercial fishing vessels and vessels less than 79 feet
- December 19, 2013: 2013 VGP and sVGP effective date



NPDES Incidental Discharge Vessel Permitting Program

- Vessel General Permit (VGP):
 - Non-recreational, non-military vessels greater than 79 feet in length
 - Military vessels, including Navy and Coast Guard vessels, are not eligible for coverage and are instead covered by Section 312 of the Clean Water Act
 - Recreational vessels covered by Section 312 of the Clean Water Act
 - Ballast water discharges are covered regardless of vessel size (consistent with P.L. 110-299)
- Proposed Small Vessel General Permit (sVGP):
 - Permit designed for non-recreational, non-military vessels less than 79 feet
 - These vessels would require permit coverage after December 18, 2013 (when the permitting moratorium established in P.L. 111-215 expires)
 - Approximately 118,000 to 138,000 vessels would be eligible for coverage





2008 VGP Highlights

- VGP Effluent Limits
 - Ballast Water
 - Bilgewater
 - Deck Runoff and Washdown
 - Graywater
 - Twenty-two other discharges covered, general requirements applicable to all vessels, and narrative water quality based effluent limits
 - Vessel Class Specific Requirements (e.g., graywater limits for cruise ships)
- Administrative Requirements
 - Notice of Intent for vessels seeking coverage (for larger VGP vessels)
 - Routine Visual Inspections and Annual Inspections
 - Corrective Action Assessments and Corrective Actions
 - Reporting and Monitoring
 - One-Time Report



Goals for the 2013 VGP (and sVGP)

- Use the best available science to inform our determinations of appropriate technology- based and water-quality based limitations
- Improve administrative efficiency where feasible
 - Reduce permittee confusion
- Produce a permit for non-recreational, non-military vessels less than 79 feet in case NPDES moratorium not extended beyond December 18, 2013
 - Effluent limits generally Best Management Practices (BMPs)



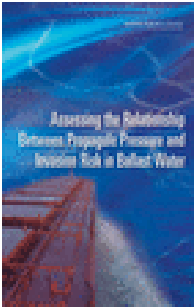
Science Advisory Board Ballast Water Study

- **EPA's Science Advisory Board (SAB) Panel**
Charge: evaluate the status of existing and potential shipboard ballast water treatment technologies and their ability to meet different discharge standards (Report finalized July 12, 2011)
- **SAB Report Key Conclusions:** International Maritime Organization (IMO) standard is achievable from a technology and testing standpoint
 - The state of technology does not support a TBEL limit more stringent than IMO for shipboard treatment systems
 - Issue of Detection/Quantification below IMO



National Academy of Sciences Study

- National Academy of Sciences National Research Council (NAS) Charge:
 - The NAS study panel assessed methods to evaluate the risk of invasive species introductions associated with ballast water discharges (report finalized June 2, 2011)



- NAS Report Key Conclusions:
 - Found our ability to adequately quantify risk suffers from a “profound lack of data”
 - Concluded that the IMO standard is “clearly a first step forward” and that it “represents a significant reduction in concentrations beyond ballast water exchange”



2013 Proposed VGP: Key Improvements

- Ballast Water
 - Numeric concentration based limits
 - Supplemental management practices
- Exhaust gas scrubber effluent
- Oil to sea interfaces (product substitution requirement)
- Administrative changes and efficiency improvements
 - Combined reporting
 - Reducing redundancy
 - Changes to inspections



VGP and sVGP Comment Highlights

- VGP – Received approximately 5,500 comments
 - Ballast Water
 - Appropriateness of effluent limits
 - Appropriateness of additional management requirements
 - Implementation schedule
 - Administrative changes
- sVGP
 - Maximize Efficiency
 - Specific suggestions to management categories
 - Opposition to/support of NPDES permitting of these vessels
- Both sets of comments available at www.regulations.gov (search OW-2011-0141 for the VGP and OW-2011-0150 for the sVGP)

Proposed 2013 sVGP

Part 1 - Overview of Permit

Part 2 – Effluent
Limitations and Related
Requirements

Part 3 – Monitoring and
Recordkeeping

Part 4 – Additional
Requirements

Part 5 – State Specific
Requirements

Part 6 – Definitions

Part 7 – sVGP contacts

Appendix A– Permit
Authorization and
Record of Inspection
Form

- Eligible for coverage if less than 79 feet and have less than 8 cubic meters of ballast water
- Slightly different structure than VGP
 - Draft Permit is short with most important information up front
 - Discharge limits in the middle
 - Standard Permit Conditions and Other Requirements toward the end
- Organized by management groups rather than by discharge types
- Required paperwork narrowed to a single page authorization form to be maintained on the vessel
- sVGP is estimated to only cost between \$17 and \$98 dollars per vessel per year