

# **Vessel Incidental Discharge Act (VIDA)**

## **Vessel Incidental Discharge Act Update 2018**

The Northeast Aquatic Nuisance Species Panel  
Fall Meeting  
December 3-4, 2018

New Hampshire Department of Environmental Services  
Portsmouth, NH

# Vessel Incidental Discharge Act (VIDA)

## CURRENT STATUS

- Senate passed S.140 “Frank LoBiondo Coast Guard Authorization Act of 2018” on November 14, 2018
- Bipartisan vote of 94-6
- VIDA included in S.140 under Title IX
- House must still pass VIDA and President must sign final bill into law

# Vessel Incidental Discharge Act (VIDA)

## EFFECT ON STATE REGULATION OF BALLAST WATER

- **National standards for ballast water management to be established**
  - *States must be consulted regarding development/promulgation of national standards*
- **National standards supersede Clean Water Act authority (VGP/WQC)**
  - States lose authority to regulate ballast water discharges under Section 10 of the CWA
- ***Existing state ballast water management programs “grandfathered”***
  - *Fee based vessel inspection and enforcement programs retained*

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## NATIONAL STANDARDS

- State laws more stringent than current VGP retained until new national standards for every vessel type and discharge covered by the bill are promulgated
- *EPA lead agency for establishing water quality standards for vessel discharges*

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## RHODE ISLAND WATER QUALITY CERTIFICATE

- Rhode Island WQC establishes conditions more stringent than VGP
  - Ballast water exchange required even with on-board treatment systems (**BWM systems**)
  - Bilge water must be discharged prior to entering RI waters
  - Ballast water treated by on-board systems must be sampled/analyzed at least annually
  - Graywater discharge must meet RI WQ regulations prohibiting further degradation of impaired waters
- *States can petition federal agencies for higher national standards*

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## NATIONAL STANDARDS

- Coast Guard promulgates EPA standards into vessel technology requirements and is lead agency on monitoring, inspection, and enforcement of those standards
- *States retain the ability to enforce federal standards and requirements*
- *Non-grandfathered states may develop and implement vessel inspection programs*

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## STATE INSPECTIONS OF VESSELS AND TREATMENT SYSTEMS

### •Coastal Aquatic Invasive Species Mitigation Grant Program and Mitigation Fund

- Appropriation: funds equal to fines under Sec.312 (p) of the CWA during previous fiscal year
- Additional authorization: \$5,000,000 each fiscal year

### •Purpose of Mitigation Grant Program and Fund

- *Implement programs, including permissible State ballast water inspection programs, to prevent, detect, control, mitigate, and eradicate AIS in the coastal zone or EEZ*

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## GREAT LAKES AND LAKE CHAMPLAIN INVASIVE SPECIES MONITORING PROGRAM

- Monitor for the introduction and spread of ANS
- Detect newly introduced ANS
- Actions to prevent or stop the establishment or spread of an aquatic nuisance species
- Establish watch list of ANS that may be introduced and established
- Monitor vectors likely to contribute to intro/spread of ANS including ballast water operations
- Achieve type approval for BWM systems for vessels operating solely w/in GL and Lake Champlain

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## NEXT STEPS

- **States may develop vessel and BWM systems inspection programs**
  - Must be in place prior to promulgation of national standards
- **NEANS Panel regional coordination role: Inspection Programs**
  - Assist interested states in developing inspection programs
  - Organize inspection program training for state/regional agency personnel
- **NEANS Panel regional coordination role: National Standards**
  - Establish work group to provide regional input for national standards
  - Coordinate with Ballast Water Work Group regarding national standards