

# **Vessel Incidental Discharge Act**

## **Public Law 115-282-Dec.4, 2018**

**Vessel Incidental Discharge Act  
Update 2019**

**The Northeast Aquatic Nuisance Species Panel and  
Mid-Atlantic Panel on Aquatic Invasive Species Joint Meeting  
December 10, 2019**

**Five Rivers Environmental Education Center  
Delmar, NY**



# Vessel Incidental Discharge Act (VIDA)

## OVERVIEW

- Title IX under Frank Lofland Coast Guard Authorization Act of 2018
- VIDA Regulates 26 Discharges Incidental to the Operation of Commercial Vessels
- EPA Currently Developing New Ballast Water Discharge Performance Standards
- USCG will Develop New BW Regulations Based on the EPA Standards

# Vessel Incidental Discharge Act (VIDA)

## VIDA AND THE CLEAN WATER ACT

- VIDA streamlines patchwork of federal, state, and local regulation of discharges incidental to the operation of commercial vessels (i.e. VGP = state regulation)
- VIDA amends Clean Water Act (CWA) § 312 with new subsection (p), titled, “*Uniform National Standards for Discharges Incidental to Normal Operation of Vessels*”

# Vessel Incidental Discharge Act (VIDA)

## VIDA AND THE CLEAN WATER ACT

- Uniform National Standards are generally required to be at least as stringent as the requirements in the EPA 2013 Vessel General Permit (VGP)
- VGP and current USCG ballast water regulations remain in effect until new USCG regulations are final and enforceable

# Vessel Incidental Discharge Act (VIDA)

## VIDA AND THE CLEAN WATER ACT

- EPA Proposed Performance Standards Reportedly to be Released January 2020
- USCG Implementation, Compliance, Enforcement Regulations Scheduled for Release by end of 2022

# Vessel Incidental Discharge Act (VIDA)

## VIDA AND THE CLEAN WATER ACT

- USCG regulations address the design, construction, testing, approval, installation, and use of devices to achieve the EPA national standards
- VIDA authorizes the EPA, USCG, and states to enforce requirements and provides authority for citizens to file suit under CWA authority
- New CWA 312(p) regulations will generally preempt adoption or enforcement of any other federal, state, or local regulation of incidental discharges from vessels regulated under VIDA

# Vessel Incidental Discharge Act (VIDA)

## VIDA AND THE CLEAN WATER ACT

- EPA required to develop national standards of performance in consultation with interested state Governors.
- States are authorized to petition the EPA and the USCG to review any national standards of performance or implementing regulations.
- When USCG regulations finalized, states can apply to the EPA to establish a no-discharge zone for one or more discharge from vessels regulated under VIDA.

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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
  - Bilge water must be discharged prior to entering RI waters
  - BW 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

# Vessel Incidental Discharge Act (VIDA)

## VIDA AND THE CLEAN WATER ACT

- USCG to establish intergovernmental response framework for AIS risks; EPA to establish corresponding risk assessment and response framework
- EPA Great Lakes National Program Office to establish and oversee a Great Lakes and Lake Champlain Invasive Species Program in consultation with other federal agencies
- Secretary of Commerce and the National Fish and Wildlife Foundation to establish and oversee a Coastal Aquatic Invasive Species Mitigation Grant Program.

# Vessel Incidental Discharge Act (VIDA)

## COASTAL AQUATIC INVASIVE SPECIES MITIGATION GRANT PROGRAM AND MITIGATION FUND

- Coastal Aquatic Invasive Species Mitigation Grant Program and Mitigation Fund
  - Funds equal to fines under Sec.312 (p) of the CWA during previous fiscal year
  - Additional authorization of \$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

# Vessel Incidental Discharge Act (VIDA)

## EPA/USCG PUBLIC ENGAGEMENT

- EPA and USCG hosted webinars in Spring and Summer of 2019 and plan another after the proposed EPA rule is published in January 2020...stay tuned
- EPA has a VIDA webpage accessible via its Vessels, Marinas, and Ports homepage:  
<https://www.epa.gov/vessels-marinas-and-ports>
- USCG has a VIDA webpage I found via a Google search using the term “uscg vida”

# Vessel Incidental Discharge Act (VIDA)

## GOVERNORS INPUT PROCESS

- EPA/USCG letters to Governors solicit state input to rulemaking process
- Several states did not respond; USCG presently identifying state contacts

# Vessel Incidental Discharge Act (VIDA)

## GOVERNORS INPUT PROCESS

### Working Groups Being Formed Around Eight VIDA Requirements:

- 1) State Enforcement Representative
- 2) Regulatory Representative
- 3) Reporting Data Representative
- 4) Vessel AIS Representative
- 5) Intergovernmental Response Framework Representative
- 6) Federal Petition Representative
- 7) National Ballast Information Clearinghouse Representative
- 8) Great Lakes Representative

# Vessel Incidental Discharge Act (VIDA)

## GOVERNORS INPUT PROCESS

### USCG Contact:

- **Mr. John Morris, Program Manager, Environmental Standards Division**
- **202-372-1433; [John.C.Morris@uscg.mil](mailto:John.C.Morris@uscg.mil)**

### EPA Contact:

- **Ms. Juliette Chausson, Office of Wetlands, Oceans, and Watersheds**
- **202-566-0190; [Chausson.Juliette@epa.gov](mailto:Chausson.Juliette@epa.gov)**



# The Regional Panels of the Aquatic Nuisance Species Task Force

## Western

(Members include: AK, AZ, CA, CO, HI, ID, KS, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, WY and Guam - Estab. 1997)



## Great Lakes

(Members include: IL, IN, MI, MN, NY, PA, OH, WI - Estab. 1991)



## Northeast

(Members include: CT, MA, ME, NH, NY, RI, VT - Estab. 2001)



## Mid-Atlantic

(Members include: DE, DC, MD, NC, NJ, NY, PA, VA, WV - Estab. 2003)



## Mississippi River Basin

(Members include: AL, AR, CO, IA, IL, IN, KS, KY, LA, MN, MO, MS, MT, NC, ND, NE, OH, OK, PA, SD, TN, TX, VA, WI, WV, WY - Estab. 2002)



## Gulf and South Atlantic

(Members include: AL, FL, GA, LA, MS, NC, SC, TX - Estab. 1999)



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