

**A COMMERCIAL FISHING INDUSTRY GUIDE TO
EPA'S NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT ("VGP")
FOR
COMMERCIAL FISHING VESSELS GREATER THAN OR
EQUAL TO 79 FEET IN LENGTH**

~~~~~

**RICK E. MARKS**  
Robertson, Monagle & Eastaugh  
1810 Samuel Morse Drive, Suite 202  
Reston, VA 20190  
Phone 703-527-4414  
[rem@hsgblaw-dc.com](mailto:rem@hsgblaw-dc.com)

**APRIL 18, 2013**

**IMPORTANT MESSAGE FOR ROMEA CLIENTS:** *This user-friendly guide is provided for our clients to better understand the basic requirements of the new EPA vessel discharge permit (VGP). This 16-page document is a summary of the nearly 450 pages published by the EPA related to these permit regulations. As such, some details may not be included here and we encourage our clients to carefully review all relevant EPA documentation and clarify any questions with EPA before purchasing any equipment, supplies, and before making any changes to vessel operations and procedures -- R.E. Marks*

~~~~~

On March 28, 2013 the EPA issued final vessel general permit (VGP) regulations covering incidental and ballast water discharges from commercial vessels greater than or equal to 79 feet in length (incl. commercial fishing vessels) to protect U.S. waters. This permit authorizes the owner/operator of a vessel to discharge in accordance with permit regulations and in compliance with the Clean Water Act (CWA).

This VESSEL GENERAL PERMIT ("VGP") covers 27 discharge categories incidental to normal operation of vessels greater than or equal to 79 feet in length. The permit also covers ballast discharges for those vessels equipped with ballast tanks.

The SMALL VESSEL GENERAL PERMIT ("sVGP") regulations *have not* been published as of this date. The sVGP will cover discharges incidental to the normal operation of commercial and commercial fishing vessels less than 79 feet (24.08 meters). The EPA is expected to publish the final sVGP regulations for this permit during the summer of 2013 with an anticipated implementation date of December 19, 2014.

EPA FEDERAL/REGIONAL VGP CONTACTS

For additional information on the VGP contact Dr. Ryan Albert at 202-564-0763 or Juhi Saxena at 202-564-0719 at EPA Headquarters Office of Water, Washington, DC.

For further information and documents visit <http://www.epa.gov/npdes/vessels>

For questions about the sVGP, email sVGP@epa.gov

For questions about the VGP, email VGP@epa.gov

Region 1: CT, ME, MA, NH, RI, VT and 10 Tribal Nations

John Nagle

Phone: (617) 918-1054

Email: nagle.john@epa.gov

Region 2: NJ, NY, PR, VI and 7 Tribal Nations

Sieglind Pylypchuk

Phone: (212) 637-4133

Email: pylypchuk.sieglinde@epa.gov

Region 4: AL, FL, GA, KY, MS, NC, SC, TN and 2 Tribes

Marshall Hyatt

Phone: (404) 562-9304

Email: hyatt.marshall@epa.gov

Region 9: AZ, CA, HI, NV and Pacific Islands

Eugene Bromley

Phone: (415) 972-3510

Email: bromley.eugene@epa.gov

Region 10: AK, ID, OR, WA and Native Tribes

Cindi Godsey

Phone: (907) 271-6561

Email: godsey.cindi@epa.gov

WATERS COVERED BY THE VGP REGULATIONS

The geographic scope of the VGP is defined to be “waters of the United States” which includes all navigable waters subject to the jurisdiction of the U.S. This is interpreted to mean all inland navigable waters (rivers, bays, tributaries, etc.), including from the dock to the outer reach of the 3 nm territorial sea. Basically, it is any inland and coastal area where you can navigate a boat with the outer boundary being 3 nm from the shoreline.

PERMIT COMPLIANCE

Any noncompliance with the requirements of this permit constitutes a violation of the Clean Water Act (CWA). Any knowing violation of these requirements is punishable by a fine of not more than \$10,000, or by imprisonment for not more than 2 years for a first offense (or both); and for a second offense the fine is \$20,000 and 4 years in prison (or both). Any person who knowingly makes false statements or false certifications on reports upon conviction, may be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation (or both). There may also be severe criminal penalties for false statements or entries in documents submitted to the EPA.

Each day a violation continues is a separate violation of this permit. Where requirements and schedules for taking corrective actions are included in this permit, the time intervals provided are not grace periods but schedules considered reasonable for making repairs and improvements. You must return to compliance as promptly as is possible but no later than the time period specified in the permit. EPA will consider the appropriateness and promptness of corrective action in determining enforcement response to permits violations.

EFFECTIVE DATE OF VGP REGULATIONS

For a commercial fishing vessel that *does not* possess ballast water tanks the VGP coverage will begin December 19, 2014 and expire December 19, 2019;

For a commercial fishing vessel that *does* possess ballast water tanks the VGP coverage will begin December 19, 2013 and expire December 19, 2018.

The new VGP will replace the existing 2008 VGP currently in effect.

The EPA expects that most vessels seeking coverage under this VGP will be greater than or equal to 79 feet in length. However commercial fishing vessels and other non-recreational vessels less than 79 feet are also eligible for coverage under this permit or those vessels may seek coverage under the sVGP.

AUTHORIZATION UNDER THE VGP

Obtaining a Permit: Authorization to discharge under the VGP is determined by the following criteria --

If your vessel was authorized to discharge under the 2008 VGP you must resubmit a NOTICE OF INTENT (“NOI”) no later than December 12, 2013 or 7 days prior to discharging.

If your vessel is greater than 300 gross tons or the vessel has the capacity to hold or discharge more than 8 cu meters (2113 gallons) of ballast water you must submit a NOI no later than December 12, 2013 or 7 days prior to discharging.

If your vessel is less than 300 gross tons and does not have the capacity to hold or discharge more than 8 cu meters (2113 gallons) of ballast water you do not need to submit a NOI. However, you must complete a PERMIT AUTHORIZATION AND RECORD OF INSPECTION FORM (“PARI”) and retain the form on board the vessel at all times. The PARI form must be on the vessel when authorized discharges begin under the Final 2013 VGP on December 19, 2014.

If auxiliary craft such as lifeboats, rescue boats or barges onboard larger vessels require NPDES permit coverage they are eligible for coverage under this permit and are covered by submission of the NOI for the larger vessel. For purposes of reporting and inspections, these auxiliary vessels may be considered part of the same entity as the larger vessel.

Vessel discharges THAT ARE NOT ELIGIBLE for coverage include but are not limited to discharges from industrial operations (seafood processing), sewage, spent/used oil, garbage or trash, Tetra- or Perchchloroethylene degreasers, and discharges covered by another NPDES permit.

ELECTRONIC REPORTING

All vessel owners must submit all NOIs, Annual Reports, Discharge Monitoring Reports (DMRs) and other reporting information electronically unless the vessel owner/operator meets one of three exemptions. For purposes of the VGP reporting, temporary waivers from electronic reporting may be granted if:

- EPA has not yet implemented such electronic reporting;
- If the owner/operator is physically located in a geographic area (i.e. zip code or census tract) that is identified as under-served for broadband Internet access; or
- If the owner/operator has issues regarding available computer access or computer capability.

If you wish to obtain a waiver for electronic reporting you must submit a request to EPA at the following address:

EPA NPDES Vessels Team
Attn: Vessel Reporting Wavier Requests
Mail Code 4203M
1200 Pennsylvania Ave. NW
Washington, DC 20004

EFFLUENT LIMITS AND RELATED REQUIREMENTS

In the limits specified for this permit the term “*minimize*” means to reduce and/or eliminate to the extent achievable using control measures (including best management practices that are technologically available and economically practicable and achievable in light of best marine practice). You may not add any constituents to any discharge that are not incidental to the normal operations of a vessel. You may not dilute discharges eligible for coverage under this permit prior to their discharge for the purpose of meeting limits set forth in this permit.

TECHNOLOGY-BASED EFFLUENT LIMITS AND RELATED REQUIREMENTS APPLICABLE TO ALL VESSELS

Material Storage

You must minimize the amount of time and exposure to the elements of cargoes and onboard materials that might wash or be blown overboard, or might dissolve as a result of contact with precipitation and spray. If water draining from storage areas comes in contact with oily materials, *except for naturally occurring fish oils from fishing gear stored on deck*, you must use dry cleanup methods or absorbents; store the water for onshore disposal; or run the water through an oily water separator.

Toxic and Hazardous Materials

You must locate toxic and hazardous materials in protected areas to minimize exposure to spray and precipitation while respecting crew safety. Containers must be suitable, secured, and not overfilled and empty containers may not be jettisoned. Any discharge must be properly documented according to permit requirements.

Fuel Spills/Overflows

Spills/Overflows may not result in a discharge of oil in quantities that may be harmful. You must conduct all control measures and practices to minimize spills and ensure containment. Vessels with air vents from fuel tanks must use spill containment or other methods to prevent spills. Large-scale fuel spills are not incidental to normal operations are not permitted.

For fueling auxiliary vessels from a “host” vessel: examine surrounding water for a visible sheen, if this occurs, stop fueling and cleanup immediately; do not top off tanks, when possible, fuel on shore or when vessel is on the host vessel; when possible, fill portable tanks on shore; use oil absorbent material while fueling; regularly inspect fuel and hydraulic systems for leaks; crew must be trained in methods to minimize spills.

Discharges of Oil including Oily Mixtures

All discharges of oil and oily mixtures must have concentrations of oil less than 15 parts per million (ppm) before discharge consistent with MARPOL. All other discharges of such mixtures must not contain oil in quantities that may be harmful.

Training

All owners/operators must ensure that the master, operator, person in charge, crew members who are involved in discharge management are adequately trained in implementing this permit. Training need not be formal or via an accredited course but it is the owner/operators responsibility to ensure staff are given the necessary information to conduct proper procedures.

EFFLUENT LIMITS AND RELATED REQUIREMENTS FOR SPECIFIC DISCHARGE CATEGORIES

Deck Wash Down and Runoff and Above Waterline Hull Cleaning

Vessel owner/operators must minimize the introduction of on-deck debris and residue into deck washdown and runoff discharges. Before washdown, broom clean decks and remove existing debris. When required by class societies, vessels must be fitted with perimeter rails and scuppers to collect runoff for treatment. Where feasible, machinery on deck must have drip pans and be disposed of properly. Soaps and cleaners must be non-toxic, phosphate-free and biodegradable. Prevent on-deck debris and residue and spills from entering wash down and runoff discharges. Minimize the discharge of paint chips, rust, and other residues, dispose of properly onshore. You must minimize deck washdowns while in port. If deck washdowns or above water line hull cleaning will result in discharge, they must be conducted with “minimally-toxic” and “phosphate free” cleaners and detergents defined in the VGP permit requirements. They should not be toxic and must be biodegradable.

Bilgewater/Oily Water Separator Effluent

Vessel operators may not use dispersants, detergents, emulsifiers, or chemicals that remove the appearance of a visible sheen in bilgewater discharges. Except for flocculants or other additives used to enhance oil/water separation, you may not add substances that drain to the bilgewater. Routine cleaning and cleaning materials are considered part of normal operations and permissible.

All vessels must minimize the discharge of bilgewater into waters subject to this permit. This can be done by reducing production of bilgewater, disposing of onshore, or discharging outside 3 nm, recognizing the latter must be consistent with MARPOL requirements.

NOTE***There are several provisions specific to vessels greater than 400 tons which are not detailed here. See VGP documentation for those requirements.

Ballast Water

All discharges of ballast water must comply with the requirements of this permit as well as with USCG requirements. All vessels equipped with ballast tanks must also comply with identified best management practices (BMPs) in this section. All discharges may not contain oil, noxious substances or hazardous materials.

All owner/operators of vessels equipped with ballast tanks must train all crew involved in ballast water discharge/treatment. As part of Ballast Water Management Plan (BWMP), owner/operators must maintain a written training plan. The BWMP must be developed specifically for your vessel and be available to the EPA upon request.

Mandatory ballast water BMPs include but are not limited to: avoid discharge or uptake of ballast water in areas that are in or may directly affect marine sanctuaries, marine preserves, marine parks, shellfish beds or coral reefs; Minimize or avoid uptake or ballast water in areas known to have toxic algal blooms, near sewage outfalls, near dredge operations, areas with poor tidal flushing, in darkness to avoid uptake of bottom-dwelling organisms, where props may disturb the sediment and in areas with pods of whales, convergence zones and boundaries of major currents; If you discharge ballast water into waters covered by this permit discharge only the minimal amount necessary for vessel operations; clean tanks regularly in mid-ocean; when discharging ballast in port, utilize high suction (if available) for tank discharge to minimize sediment.

Ballast Water Numeric Discharge Limitations

Owners/operators must meet the following discharge limits. {*NOTE* -Vessels excluded from the following requirements are those engaged in short distance voyages in one COTP zone or those crossing no physical barriers and do not travel more than 10nm; or are unmanned, unpowered barges or lakers built before January 1, 2009; or participate in the USCG Shipboard Technology Evaluation Program. }

1. For organisms greater than or equal to 50 micrometers in minimum dimension: discharge must include fewer than 10 living organisms per cubic meter of ballast water;
2. For organisms less than 50 micrometers and greater than or equal to 10 micrometers: discharge must include fewer than 10 living organisms per milliliter (ml) of ballast water;
3. Indicator microorganisms must not exceed:
 - a. For Toxicogenic Vibrio cholera (serotypes O1 and O139): a concentration of less than 1 colony forming unit (cfu) per 100 ml.
 - b. For Escherichia coli: a concentration of fewer than 250 cfu per 100 ml.
 - c. For intestinal enterococci: a concentration of fewer than 100 cfu per 100 ml.

These limits may be met by using one of the following four ballast water management measures.

Ballast Water Management Measures

Vessels with the ballast water tanks may use one of the following 4 management methods to meet the VGP numeric discharge limits.

(1) Ballast Water Treatment System (BWTS)

Must be a system shown to be effective by testing in accordance with the EPA-ETV protocol for verification by an independent third party. Use of a BWTS carries substantial

and comprehensive monitoring, testing, calibration, effluent monitoring parameters, biocide limitations, record keeping & reporting. See EPA Final 2013 VGP documentation for these details.

(2) Onshore Treatment of Ballast Water

If a compatible onshore treatment system is available, an owner/operator may safely transfer ballast water provided all piping and connections are leak free. EPA notes that transferring ballast water to a treatment barge could constitute as “on-shore treatment” except that the discharge from the treatment barge would be subject to individual NPDES permit requirements as an industrial operation, most likely from the State in which the barge is operating.

(3) Use of Public Water Supply (PWS)

Vessels using water from a PWS (US & Canada) must maintain records, including receipts indicating the originating system. Vessels using PWS water as ballast must have previously cleaned the ballast tanks and never introduced ambient water to those tanks and supply lines. If untreated water is introduced to the tanks at any time, they must be cleaned before the vessel can return to using PWS.

(4) Zero Discharge of Ballast Water

Vessels may meet the requirements of this permit by not discharging any ballast water into waters subject to this permit.

Anti-Fouling Hull Coatings/Hull Coating Leachate

All coatings must be registered, sold, applied and maintained and removed in a manner consistent with applicable requirements. Vessels painted outside the U.S. must not contain material banned in the U.S. Discharges of Tributyltin (TBT) are prohibited and no such coating can be used or use an effective overcoating to prevent TBT leaching. At the time of initial application or scheduled reapplication of anti-fouling coatings, you must give consideration, as appropriate for vessel size class and vessel operations, to the use of hull coatings with the lowest effective biocide release rates, rapidly biodegradable components, or non-biocidal alternatives, such as silicon coatings.

Aqueous Film Forming Foam (AFFF)

Discharge of AFFF is authorized only for emergency purposes. For vessels that leave the territorial sea more than once per month, discharges of fluorinated AFFF are not authorized in waters subject to this permit and must be collected and disposed of onshore. If emergency AFFF discharges occur in or within 1 nm of “waters federally protected wholly or in part for conservation purposes” (See Appendix G of Final 2013 VGP) a written explanation must be kept in the ship’s log or other vessel recordkeeping document consistent with VGP requirements.

Boiler/Economizer Blowdown

You must minimize the discharge of boiler/economizer blowdown in port if chemicals are used to reduce impurities. There are additional limitations for vessels greater than 400

tons. For all vessels, boiler/economizer blowdown may not be discharged in waters references in Appendix G of Final 2013 VGP except for safety purposes.

Cathodic Protection

Cathodic protection must be maintained such that the flaking of anodes is minimized. Sacrificial anodes must not be used more than necessary and must be cleaned and/or replaced during maintenance periods and should be flush-fitted to the hull. For vessels that spend the majority of their time in saltwater, if vessel zinc is selected, the vessel owner/operator must document why aluminum is not selected (magnesium is less toxic than aluminum which is less toxic than zinc). The documentation requirement is applicable after the vessel's first drydocking after December 19, 2013.

EPA recommends, particularly for new vessels, use of Impressed Current Cathodic Protection (ICCP) in place of sacrificial anodes when technologically feasible. If ICCP is used, operators must maintain dielectric shields to prevent flaking.

Chain Locker Effluent

The anchor chain must be carefully and thoroughly washed as it is being hauled out of the water to remove sediment and marine organisms. Lockers must be cleaned during drydock. For vessels that regularly sail outside waters subject to this permit (at least once per month), if technically feasible, periodically clean and rinse the space beneath the locker prior to entering waters subject to this permit. Chain lockers shall not be rinsed in waters subject to this permit unless there is a safety issue which must be documented.

Controller Pitch Propeller and Thruster Hydraulic Fluid and Other Oil-to-Sea-Interfaces and Equipment Subject to Immersion

The protective seals on any oil-to-sea interface must be maintained in good operating order to minimize leaks. No oils may be discharged in harmful quantities. Minimize maintenance activities on stern tube seals when vessel is outside drydock. After applying lubrication to wire rope and mechanical equipment subject to immersion and other equipment the excess lubricant must be wiped down and removed unless deemed unsafe by the Master of the Vessel.

All vessels must use environmentally acceptable lubricants (EAL) in all oil-to-sea interfaces *unless technically infeasible*. "Environmentally Acceptable Lubricant" means lubricants that are biodegradable, minimally-toxic, and are not bioaccumulative as defined in Appendix A of the EPA Final 2013 VGP. Acceptable lubricants include those labeled by the following labeling programs: Blue Angel, European Eco Label, Nordic Swan, and the Swedish Standards SS 155434 and 155470, Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) requirements, and EPA's design for the Environment (DfE).

For the purposes of the VGP, the term "*technically infeasible*" means that no EAL products are approved for use in a given application that met manufacturer specifications for that equipment, products which come pre-lubricated (e.g. wire ropes) have no available alternatives manufactured with EALs, products meeting a manufacturers

specifications are not available within any port in which the vessel calls, or change over and use of an EAL must wait until the vessel's next drydocking.

If any vessel is unable to use an EAL, you must document in your VGP recordkeeping why you are unable to do so and must report the use of a non-environmentally acceptable lubricant to EPA in your Annual Report. Use of an EAL does not authorize the discharge of any lubricant in a quantity that may be harmful.

EPA recommends that all new build vessel operators endeavor to use sea-water-based systems for their stern tube lubrication to eliminate the discharge of oil from these interfaces to the aquatic environment.

Distillation and Reverse Osmosis Brine

Brine from the distillation system and osmosis water shall not contain or come in contact with machinery or equipment (other than necessary for the production of potable water), toxic or hazardous materials, or wastes.

Elevator Pit Effluent

Discharges of untreated EPE are not authorized in waters of this permit except in emergency. Elevator pit effluent may be discharged into waters covered by this permit if it is managed with the vessel's bilge water and meets all VGP requirements. Otherwise, it must be treated with an oily-water separator and discharged with oil content below 15 ppm. Emergency discharges must be documented in the ship's recordkeeping.

Firemain Systems

Discharges from firemain systems are authorized for emergency purposes and testing. Firemain systems may be discharged in port for certification, to assure operations, function and training provided the water is ambient or from a potable water supply.

Freshwater Layup

Minimize the amount of disinfection or biocidal agents used in layup to the minimum required to prevent aquatic growth.

Gas Turbine Washwater

Gas turbine washwater must not be directly discharged in waters subject to this permit. If feasible, it must not be comingled with bilgewater that will be discharged. It must be collected and disposed of onshore. Under no circumstances may oils, including oily mixtures, from gas turbine washing be discharged into waters subject to this permit in harmful quantities.

Graywater

All owner/operators must minimize graywater discharges while "in port". The term "in port" is defined as anchored, moored, or otherwise secured while located in any waters subject to this permit which are inside the baseline of the U.S. territorial sea.

If an owner/operator cannot store graywater on the vessel, you must minimize production of it while in port. If a vessel has the capacity to store graywater it cannot be discharged into “waters federally protected wholly or in part for conservation purposes” (See Appendix G of Final 2013 VGP).

If graywater will be discharged in waters subject to this permit, the introduction of kitchen oils to the graywater system must be minimized. When cleaning dishes, you must remove as much food and oil residue as practical before rinsing dishes. Excess oils, including animal fats and vegetable oils, used during cooking must not be added to the graywater system.

Vessels owners/operators must use soaps and cleaners that are minimally-toxic and phosphate-free for any purpose if graywater will be discharged into waters subject to this permit. Soaps and detergents must not lead to extreme shifts in receiving water pH meaning not causing the pH to fall below 6.0 or rise above 9.0 as a result of the discharge.

NOTE***There are additional graywater monitoring requirements for vessels constructed on or after December 19, 2013; and for vessels operating in the Great Lakes. See Final 2103 VGP for details.

Motor Gasoline and Compensating Discharge

The discharge of motor gasoline and compensating effluent must not have oil in quantities that may be harmful, creates a visible sheen, or exceeds 15 ppm. Discharges must be minimized in port. If an oily sheen is observed, the vessel operator must deploy appropriate oil containment practices. This discharge is not permitted in “waters federally protected wholly or in part for conservation purposes” (See Appendix G of Final 2013 VGP).

Non-Oily Machinery Waste

If discharged overboard, non-oily waste must be free from oils in quantities that may be harmful. Non-oily machinery waste may be drained to the bilge.

Refrigeration and Air Condensate Discharge

You must not allow condensate to come in contact with oily or toxic materials if it is to be discharged overboard. Refrigeration and air conditioning condensate that is collected and plumbed for internal recycling (e.g. technical water) is allowed to comingle with oily water but the comingled discharge must meet all applicable VGP requirements.

Seawater Cooling Overboard Discharge (Including Non-Contact Engine Cooling Water; Hydraulic System Cooling Water, Refrigeration Cooling Water)

When possible, all these discharges should be discharged when the vessel is underway to prevent thermal impacts to receiving water. To reduce the production and discharge of seawater cooling overboard, the EPA recommends the use of shore based power when in port if – power is readily available, the system is capable of providing all needed

electricity required for vessel operations, and if the vessel is compatible and equipped to connect to such systems.

Seawater Piping Biofouling Prevention

Vessels owner/operators must minimize the use of approved biofouling chemicals. Organisms must be removed on a regular basis and disposed of in accordance with appropriate regulations. Removed organisms must not be disposed of in waters subject to this permit and EPA recommends disposal more than 50 nm from shore.

Boat Engine Wet Exhaust

Engines must be kept in good working order. Vessel owners/operators should use low sulfur or alternative fuels to reduce pollutants. EPA encourages use of 4 stroke engines but if a 2 stroke engine is used, vessel owners/operators must use EALs if technically feasible. If use of an EAL is technically infeasible, the deviation must be accounted for in VGP recordkeeping.

Sonar Dome Discharge

The water inside the sonar dome shall not be discharged into waters subject to this permit. Vessel owners should not use biofouling chemicals that are bioaccumulative if alternatives are available.

Underwater Ship Husbandry Discharges

Vessel owners must minimize the transport of attached living organisms when travelling into US waters from outside the EEZ, or between COTP zones. When possible, rigorous hull cleaning should take place in drydock. If water-pressure systems are used, the wash water must be treated prior to discharging in waters subject to this permit. Old paint and materials removed from the hull must be collected and disposed of properly. Removal of organisms while the vessel is waterborne must minimize the discharge of fouling organisms and antifouling coatings by using soft brushes/sponges or vacuum technology.

Vessel owners/operators must minimize the release of cooper-based antifoulant paints during vessel cleaning operations. If a visible cloud or plume of paint refuse develops, the EPA recommends you shift to a softer brush.

Welldeck Discharges

Welldeck discharges containing graywater from smaller vessels should not be discharged within waters subject to this permit. Welldeck discharges from washdown of gas turbine engines may not be discharged within waters covered by this permit. Welldeck discharges from equipment and vehicle washdowns must be free from garbage and must not contain oil in quantities that may be harmful.

Graywater Mixed with Sewage from Vessels

Any discharge of this effluent must comply with graywater effluent requirements of this permit. Vessel owners/operators are advised that all discharges commingled with sewage must also meet requirements set forth in Section 312 of the CWA.

Exhaust Gas Scrubber Washwater Discharge

Exhaust gas scrubber washwater discharge must not contain oil or oily mixtures in quantities that may be harmful. Sludge or residues must be collected and delivered ashore to a proper facility. Any washwater discharges must meet the numeric effluent standards, monitoring and reporting found in part 2.2.26.1 and .2 of the Final 2013 VGP (Pages 55-58) titled “Exhaust Gas Scrubber Washwater Discharge Standards”.

Fish Hold Effluent

All reasonable steps must be taken to prevent the discharge of excess fish hold water and ice *while the vessel is stationary at the pier*. If large solid pieces of fish waste are contained in the fish hold effluent (e.g. fish heads, internal organs) the fish hold effluent may not be discharged while the vessel is pier-side and stationary, unless a physical separation method is used (e.g. ½ inch coarse screens or smaller, a screened hose having a ½ inch screen opening or smaller, filters, other methods to remove large solids).

Solid fish waste must be disposed of shore side on land or at sea (but outside of harbors or other protected and enclosed coastal waters, and other areas where EPA has found that such deposits could endanger health, the environment, or ecological systems in a specific location pursuant to the National Marine Sanctuary Act.

Except for discharges from holding tanks for the sole purpose of keeping the catch alive during transit by pumping continuous “once through” ambient water into and through the tank prior to immediate discharge (e.g. crab/lobster vessels), if you are unloading your catch at a shore-based seafood processor or other pier and a shore-based discharge facility is available and economically achievable, you must discharge your fish hold effluent (incl. dirty ice) to that shore-based facility instead of discharging to surrounding waters if -- it is economically achievable, and the facility has an NPDES permit, or the facility discharges to an NPDES-permitted sewage treatment facility.

The discard of any *live* bait overboard is prohibited unless you caught that bait in that waterbody or watershed. Unused *live* bait purchased from a bait shop or dealer may not be discharged overboard unless the vessel operator has documentation from the dealer that the bait was caught in that waterbody.

Additional Water-Quality-Based Effluent Limitations

These requirements supplement the other technology based limitations of the permit described above. If at any time you become aware, or EPA determines, that your discharge causes or contributes to an exceedance of acceptable water quality standards, you must take action to bring your discharge into compliance and you must report exceedances and the steps taken to comply on your annual noncompliance report; EPA may impose additional water-quality based limitations on a site-specific basis or require you to obtain coverage under an individual permit if information indicates your discharges are not controlled properly. (See pages 59-60 of the Final 2013 VGP)

Discharges to Water Quality Impaired Waters

Impaired waters are those which have been identified by a State or EPA as not meeting applicable State water quality standards. Impaired waters may include both waters with EPA-approved or EPA-established Total Maximum Daily Loads (TMDLs) and those for which EPA has not yet established a TMDL. If you discharge to impaired waters without an EPA-approved TMDL, you are required to comply with the requirements of this section.

If you discharge into impaired waters with an EPA-approved TMDL and EPA or State TMDL authorities have informed you that a Waste Load Allocation (WLA) has been established that applies specifically to your vessel's discharges or your vessel class type, your discharge must be consistent with the requirements of that WLA. If a TMDL does exist for a water body vessel operators will be informed via dock side postings and information made available from the Captain of the Port;

Corrective Actions for Permit Compliance

Taking corrective actions in no way impairs EPA's ability to require remedies to bring a non-compliant vessel into compliance as soon as possible. On a case by case basis, EPA may take enforcement action quickly to assure compliance.

Problems Triggering the Need for Corrective Actions

If any of the following problems are identified you must take action to ensure the problem is eliminated and will not be repeated:

- You violate one or more effluent limits or any other requirement of this permit or the EPA makes that determination during an inspection;
- You become aware or EPA determines that your measures do not control discharges as required; or
- You find (or EPA determines) that your pollution control measures or BMPs are not being properly operated and maintained or are not having the intended effect.

Corrective Action Assessment

Following identification of any problem needing corrective action you must conduct a corrective action assessment into the nature, cause, and potential options for eliminating these problems. The assessment must include the following:

- A description of the problem(s), including date, time, and locations on the vessel where it occurred, types of impacts observed, and the name, title and signature of the person who identified the problems and also of the person who recorded the problem.
- An explanation of the cause of the problem(s); if known. If unknown at the time of the assessment, provide an indication of what steps will be taken to determine the cause.

- A description of the corrective action taken to eliminate the problem and a schedule of activities for completing such actions within the EPA's specified deadlines.
- An indication if drydock is necessary to address the problem and when it will be scheduled.
- Once the corrective action is implemented, record the date and time of the action, a description of the corrective action implemented, and the name, title and signature of the person recording this information.

You must retain the finding of your corrective action assessment in your recordkeeping documentation in accordance with the requirements of this permit.

Deadlines for Eliminating Problems

Simple corrective actions with respect to many permit requirements can be accomplished immediately. These requirements include, but are not limited to housekeeping and certain operation and maintenance requirements. In these situations, you must return to compliance immediately.

Restoring compliance with some permit requirements may require additional time for the owner/operator to reasonably correct the problem. Minor problems requiring simple adjustments are allowed 2 weeks to be fixed. Actions that require new parts or equipment to be ordered are allowed 3 months. Large and more complex actions that require drydock repairs must be fixed at the next scheduled drydock.

Effect of Corrective Actions

If the initial occurrence of the problem constitutes a violation of the permit, conducting the assessment and correcting the problem do not absolve you from liability for the original violation. However, failure to comply with assessment and correction constitute additional permit violations. EPA will consider promptness of corrective action in determining enforcement response. In the future, EPA may impose additional requirements and schedules of compliance more stringent than specified in this permit which will supersede the original requirements of the Final 2013 VGP.

INSPECTIONS, MONITORING AND RECORDKEEPING

You must conduct the following self inspections, monitoring and comply with all recordkeeping activities for your vessel.

Routine Vessel Inspections must be conducted at least once per week or per voyage, whichever is more frequent. You must document the findings in the official ship's log or as a component of the permit recordkeeping and this must be signed by the person in charge.

Extended Unmanned Period Inspections (EUP) must be conducted if a vessel is unmanned for a period of 13 days or greater. This will require a three-part inspection

process before the vessel goes in EUP status to include (1) a pre- lay-up inspection; (2) a periodic external observation of the vessel and surrounding waters every 2 weeks; and (3) a post lay-up routine visual inspection.

Comprehensive Annual Vessel Inspections must be conducted at least once every 12 months. These can be done by the master, owner, or trained marine engineer or class society representative.

Dry Dock Inspection Reports must be prepared and provided to the EPA, upon request. A report must be prepared each time a vessel is in drydock.

Regarding Recordkeeping... Vessels covered by this permit must retain records onboard (either paper or electronically) that include a detailed 11-point inspection program (see Final 2013 VGP pages 68-71). The vessel owner/operator must retain copies of all reports, certifications, records, monitoring data, violations, and other information required by this permit and records of all data used to complete the NOI or PARI to be covered by this permit, for a period of at least 3 years from the date that your coverage under this permit expires or is terminated. All information shall be made available to EPA upon request.

Vessels equipped with ballast water tanks must keep on board additional written records detailing ballast water activities (see Final 2013 VGP pages 71-72).

Regarding Reporting... For each vessel, owner/operators must submit an Annual Report for each year they have active permit coverage. Annual Reports must be completed each year and submitted by February 28 of the following year. (e.g. the 2014 annual report will be due by February 28, 2015). A separate 2013 annual report will not be required -- instead any relevant information from December 19, 2013 to December 31, 2013 must be included in the annual report for the 2014 calendar year. Permittees covered under the 2008 VGP must submit reports of all instances of noncompliance which occur before December 18, 2013 to EPA consistent with the terms of that permit.

Specific Requirements for Individual States or Indian Country Lands

The VGP is effective in every State and Indian Country Land except the water of the Bad River Band of Lake Superior Tribe of Chippewa Indians and Oklahoma Outstanding Resource Waters, as listed.

Section 401(d) of the CWA provides States and Tribes with a certification process allowing these entities to address additional permit limitations and monitoring requirements as enforceable conditions of this permit. A comprehensive list of additional permit requirements for individual States and Indian Tribes is provided on pages 91-139 of the Final 2013 VGP.

Prepared by Rick E. Marks for Clients of Robertson, Monagle & Eastaugh