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EPA Issues Draft Vessel General Permit

On November 30, 2011, the U.S. Environmental Protection Agency (EPA) issued its draft 2013 National Pollutant Discharge Elimination System (NPDES) Vessel General Permit (VGP) for public comment. The draft VGP would replace the current 2008 VGP, which expires in December 2013.

The proposed VGP continues to regulate the 26 discharge categories contained in the 2008 permit and, for the first time, also regulates the discharge of fish hold effluent. Most significantly, it includes new numeric ballast water discharge standards intended to address the release of nonindigenous invasive species. These standards, which were based on independent studies by the EPA Science Advisory Board and the National Research Council's National Academy of Sciences, are generally consistent with the standards contained in the International Maritime Organization's 2004 Ballast Water Convention. In addition, the draft VGP heightens both the standards for mechanical systems that may leak lubricants into the water and the standards for exhaust gas scrubber treatment. Finally, the draft VGP amends, and purportedly streamlines, certain vessel record keeping and reporting requirements. For example, it mandates electronic reporting, unless a vessel meets certain exceptions, and requires an annual report in lieu of the previously required one-time report and annual noncompliance report.

The draft VGP has been met with mixed reviews. While the shipping and fishing industries have generally viewed the draft favorably, environmental groups have complained that the proposed standards are not sufficiently restrictive, particularly as they relate to ballast water discharges. EPA will hold a public hearing on the draft VGP on January 11, 2012, in Washington, D.C., and on January 23, 2012, in Chicago, Illinois. The agency also plans to hold a webcast in late January to discuss the draft VGP.

The 75-day comment period is now open; it expires on or around February 13, 2012. Comments may be submitted by one of the following methods:

1. Online at <http://www.regulations.gov>
2. E-Mail at ow-docket@epa.gov

A copy of the draft VGP is available at <http://www.epa.gov/npdes/vessels>.

FOR MORE INFORMATION

Robinson & Cole LLP has represented vessel owners and managers on a wide variety of regulatory and compliance matters. For more information, please contact one of the following attorneys:

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