

[Owner's or Custodian's Company Name]

Sample Letter to Barge Custodians RE. VGP Compliance

***Note:** *This template letter can be customized and sent by a barge owner to a custodian (e.g., tower, fleeter, etc.) to clarify expectations and responsibilities regarding VGP compliance.*

[Company Letterhead]

[Insert Date]

Mr./Ms. [Insert Custodian's Responsible Person]

Custodian's Company Name

Mailing Address

City, State, Zip Code

RE: Compliance with EPA's Vessel General Permit (VGP)

Dear Mr./Ms. [Insert Custodian's Responsible Person]:

The purpose of this letter, on behalf of [Insert Company Name], is to discuss the Environmental Protection Agency's (EPA) Vessel General Permit for discharges incidental to the normal operation of commercial vessels that came into effect on February 6, 2009, and to ensure that our respective operations are prepared to comply with the requirements. The VGP is part of EPA's National Pollutant Discharge Elimination System (NPDES) permit program.

[Insert Company Name] is pleased to inform you that we are fully prepared to meet the VGP requirements, which are summarized in Attachment 1. We have begun to use the attached forms **[attach any forms you will be using to document VGP-required inspections, etc.]** to document compliance with the VGP requirements for our own operations. We will also use these forms to document compliance when barges owned by other companies are in [insert company name]'s custody and control.

In order to ensure that our barges remain in compliance with the VGP when under the custody and control of [insert custodian company name], we seek your confirmation, by an authorized representative's signature below, that you have implemented a VGP compliance and documentation program and that you will ensure that any and all [insert company name] barges that you may transport comply fully with the VGP while in your custody and control.

Please feel free to contact [Insert Responsible Person's Name] at [Insert Phone Number] should you have any questions or wish to discuss this matter further. Thank you for your cooperation.

Sincerely,

[Responsible Person's Signature]

[Job Title]

Agreed: [Insert Custodian's Company Name], by signature of its authorized representative below, agrees, while [Insert Company Name] barges are in [Insert Custodian's Company Name]'s custody and control, to perform all actions required to keep such [Insert Company's Name] barges in compliance with all requirements of the EPA Vessel General Permit.

By: _____

Title: _____

Date: _____

Attachment(s) - [Insert Company Name], VGP Compliance Document/Form(s)

This form was developed as a sample that AWO members may use as a suggested guide for developing their own means of recording inspections and other information required under EPA's Vessel General Permit (VGP). The form has not been reviewed or approved by EPA and does not represent any consensus or industry standard regarding how recordkeeping should be done. Companies are under no obligation to use this form, and each must decide what manner of recordkeeping will help it meet the requirements of the VGP.

**Attachment 1 to Sample Letter to Barge Custodians re. VGP Compliance:
Overview of VGP Requirements for Unmanned Barges
and Reporting between Custodians and Barge Owner/Operators**

The Environmental Protection Agency (EPA) Vessel General Permit (VGP) contains requirements governing discharges from commercial vessels over 79 feet, including barges. There are four principal VGP sections affecting unmanned barges. This attachment highlights those sections, and refers to the VGP, which can be found here: http://www.epa.gov/npdes/pubs/vessel_vgp_permit.pdf. This attachment also refers to the American Waterways Operators (AWO) Recommended Practice Guide, which clarifies the requirements of the VGP for barge and towing vessel operators, and can be found here: <http://www.americanwaterways.com/index/AWO%20BMP%20Manual%202.pdf>.

1. **Deck Cargo Residue and Deck Runoff**. During the loading and unloading of barges, it is common for some cargo to inadvertently fall on the decks of barges. The VGP requires barge operators to minimize (reduce and/or eliminate to the extent achievable) the amount of cargo that is swept into the water or runs off into the water due to rain, wind, swells, etc. See VGP section 2.2.1. and section 5 of the AWO Recommended Practice Guide for specific requirements. [Note: The VGP requires vessel operators to minimize 26 types of vessel discharges, of which deck washdown/runoff is only one. Barge owner should identify any other discharges for which the custodian will be responsible for VGP compliance while the barge is in his custody and control.]
2. **Barge Pumping** – The VGP includes requirements for barge operators to minimize the discharge of oil, toxic materials, solids or cargo residue into the surrounding water when pumping out void and wing tanks and when cleaning out cargo compartments. See VGP section 5.4 and Section 22 of the AWO Recommended Practice Guide for specific requirements.
3. **Inspections** – While many companies already inspect their barges regularly, the VGP specifically requires vessel operators to perform, and document, routine visual inspections and comprehensive annual inspections. The VGP also requires that, when a vessel is drydocked, the operator document that certain areas of the vessel have been cleaned and/or inspected and/or maintained. See VGP Section 4.1 and pages 18-21 of the AWO Recommended Practice Guide for specific requirements.
4. **Corrective Action Assessment** – The VGP requires vessel operators to take corrective actions to eliminate any violation of the VGP and ensure it does not happen in the future. The VGP contains specific triggers for corrective actions and timetables for completing them, depending on the violation. See Section 3 of the VGP and pages 15-17 of the AWO Recommended Practice Guide for specific requirements.
5. **Recordkeeping**: The VGP contains extensive recordkeeping requirements to document inspections and corrective actions. To see the specific recordkeeping requirements for each, see Section 4.2 of the VGP and pages 21-22 of the AWO Recommended Practice Guide. These records will then be filed where the records must be maintained for a period of three (3) years after the permit has expired.

A copy of any records produced by [insert custodian company name] should be sent to [insert company name] [describe agreed-upon method of transmission and time requirements].

Example:

Report(s) must be sent to [insert Owner/Operator Company name] via the following email address [insert Owner/Operator Companies email address]. The subject line of the email should read “VGP Inspection Report.” Multiple VGP Inspection Reports may be included in one email as is done with the daily traffic reports currently being sent to [insert Owner/Operator Company name].

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