

NPDES

**National Pollutant Discharge
Elimination System**

- **Vessel General Permit (VGP)**

- Covers 26 Types of Vessel Discharges
- Vessels Must Comply as of 2/6/09
- Vessels Carrying Ballast Water Must Comply with Separate Permit Requirements
- Companies Must Follow Best Management Practices (BMPs)
- BMPs Can Be Incorporated into RCP
 - However, Can Become Available to the Public
- Operator of Vessel is Responsible for Compliance with VGP
- Must Comply With All Regulations

Best Management Practices

■ Storage

- Prevent Unintentional Loss Overboard
- Toxic and Hazardous Materials in Sealed Containers

■ Fuel Spills

- Train Crew
- Procedures to Minimize Risk and Respond to Spills
- Procedures for Fueling Auxiliary Vessels

- **Oil Spills**

- **Comply with MARPOL**

- **Deck Runoff**

- **Procedures to Reduce Deck Spills**
- **Clean Up Rust and Other Maintenance Debris**
- **Minimize Wash Downs in Port**

- **Bilge Water**

- **Pump to Reception Facility (Date/Time)**
- **Treat Bilge Water**
- **No Oil Dispersants/Chemicals**
- **No Discharge in Protected Waters**

- **Ballast Water**

- Comply With CG Regulations
- No Discharge in Protected Waters
- No Sediment
- Only the Minimum for Safe Operation

- **Anti-Fouling Bottom Paint**

- No Over-Application
- No Tributyltin (TBE)

- **Anodes**

- Properly Maintained
- Use Less Toxic
- Replace as Needed
- Only Recommended Number

■ Chain Locker

- Perform Proper Wash Down
- Clean During Drydocking
- Vessels Going to Sea at Least Once a Month Should Not Pump in Port

■ Through-Hull Fittings

- Maintain Seals
- Report Leaks
- Boom In-Water Repairs
- Minimize Amount of Lube Used

■ Graywater

- Minimize Discharge

■ Fire Systems

– Discharge When

- Conducting Drills
- Testing System
- Requested by Coast Guard
- Anchor Chain Wash Down
- Deck Washing Except in Protected Areas

■ Non-Oily Machinery Water

- Lock Out/Tag Out
- Keep Out of Bilge

■ Detergent

- Keep Out of Bilge
- Don't Mix With Oil

■ Seawater Cooling

- Shut Down – Go to Shorepower
- Discharge Underway
- Maintain System

■ Barges

- Minimize Product's Contact With Condensation
- Inspect Tanks and Voids Before Pumping
- During Pump-Out, Monitor for Sheen
- Clean Cargo Residue Before Pump-Out

Corrective Actions

- **Required When:**
 - Violation of VGP
 - Subject of an EPA Inspection
 - Control Measures Are Not Sufficient
- **Corrective Action Must Include:**
 - Description of Problem
 - Environmental Impact
 - Personnel Involved
 - Causes
 - Corrective Actions – Timetable

Inspections

- **Regular Inspections to Verify Compliance**
 - **Routine Visual Inspection Required**
 - **Each Watch – Monitor Water Around Vessel**
 - **Each Voyage – Inspect Vessel and Tow**
 - **Documentation of Inspections**
 - **Date/Time**
 - **Vessel Location**
 - **Personnel Involved**
 - **Location of Sampling**
 - **Any Potential Problems**
 - **Master's Signature**

■ Annual Inspection

- May Be Part of Annual Internal Audit
- Must Include Examination of:
 - Hull
 - Ballast Tanks
 - Bilges, Pumps, Separators, Seals
 - Oil and Chemical Storage Areas
 - Maintenance Records

■ Required Records

- Owner/Vessel Information
- Vessel Logs
- Document of Any Violation
- Any Deficiencies Found During Routine Inspection
- Vessel Inspection Records
- Maintenance and Discharge Records

One-Time EPA Report

- **Required Between 30 and 36 Months**
 - **Owner/Vessel**
 - **Compliance With Inspection Requirements**
 - **Any Corrective Actions**
 - **Any Modifications to Vessels as a Result of Rule**
 - **Any Modifications to Training**
 - **Any Undue Delays**

Vessel Discharges: AWO Gameplan for Relief

Premises

- **The NPDES program is the wrong place to regulate vessel discharges**
 - VGP is bad but future could be worse
- **The VGP is in effect today**
 - We must find ways to live with it now
- **Gameplan for relief must address long, medium and short term**
 - And use all available advocacy tools

Strategy in a Nutshell

- **Long term:**
 - Legislation removing vessel discharges from NPDES program
- **Medium term:**
 - Judicial relief from problematic VGP provisions
- **Short term:**
 - Work with EPA to develop reasonable interpretations of VGP requirements
 - Industry self-help

Long-Term Strategy: Legislation

- Remove vessel discharges from NPDES program
- Establish a consistent national framework for regulation
- Give EPA authority to establish standards
- Focus on discharges of greatest concern

Legislation: Next Steps

- Create pressure for Hill action
- Identify sponsors
- Draft legislation
- Speak with one voice
- Anticipate tough issues
 - Citizen suits: Could we accept them?
 - Specific standards: When is the cure worse than the disease?
- Recalibrate as needed

Medium-Term Strategy: Litigation

- **Focuses:**

- State conditions
- NOI requirements
- Visual inspection frequency
- Recordkeeping

- **Goals:**

- Relief from problematic provisions
- Leverage in dealing with EPA
- Seat at the table in case of settlement

Short-Term Strategy: Make the Best of It

- **Work with EPA to develop reasonable interpretations of VGP**
 - Definition of voyage
 - Record retention
- **Develop workable industry practices**
 - Opportunity for technology solutions?

Questions and Discussion

