

Commonwealth of Dominica



Office of the Maritime Administrator

TO: Regional Marine Safety Offices, Nautical Inspectors, Masters, Owners/Agents

SUBJECT: VESSEL GENERAL PERMIT (VGP) – COMMERCIAL VESSELS AND CERTAIN FISHING VESSELS OPERATING IN UNITED STATES (US) WATERS

APPLICABILITY:

A Vessel General Permit (VGP) is required for a commercial vessel with a documented length of 79 feet (24.08 m) or more and that is either:

- greater than or equal to 300 gross tons (GT) as established by the International Tonnage Convention, 1969; or
- has the capacity to hold or discharge more than eight (8) cubic meters (2113 gallons) of ballast water.

The permit applies only to those vessels operating in a capacity as a means of transportation. Thus, vessels being used as an energy or mining facility, a storage facility, a seafood processing facility or when secured to the bed of waters subject to the Permit or a buoy for the purpose of mineral or oil exploration or development are not subject to the Permit unless they enter the territorial waters (i.e., leave the contiguous zone) and are operating in a capacity as a means of transportation (e.g., relocating between drill sites).

Lifeboats, rescue boats, barges or other auxiliary vessels or craft onboard larger vessels require Permit coverage if they are greater than 79 feet in length, but are covered by the NOI submission for the larger vessels of which they are a part. These auxiliary vessels are also considered part of the larger vessel for recordkeeping, inspections and reporting requirements.

Commercial vessels less than 300 gross tons and that do not have the capacity to hold or discharge more than 8 cubic meters of ballast water are not required to submit an NOI, but must complete a Permit Authorization and Record of Inspection (PARI) form, as provided

Page 1of 4

in Appendix K of the 2013 VGP, and keep a copy of that form onboard the vessel at all times.

Commercial fishing vessels greater than 79 feet that do not have ballast water discharges are not currently being required by the EPA to seek coverage under the VGP until the temporary legislative moratorium on National Pollution Discharge Elimination System (NPDES) permitting for commercial fishing vessels (regardless of size) expires on 18 December 2014. However, should such fishing vessels have ballast water discharges they would be subject to the VGP with respect to the ballast water discharge requirements, but not for the other discharges incidental to the normal operation of the vessel covered by the Permit.

Commercial vessels and fishing vessels less than 79 feet (24.08 m) may be covered under the VGP, or may opt for coverage under the Small Vessel General Permit upon its issuance.

VGP INFORMATION AND LOGISTICS:

The VGP, the VGP Fact Sheet and other supporting materials are quite lengthy (over 600 pages), but can be downloaded at: <http://water.epa.gov/polwaste/npdes/vessels/Vessel-General-Permit.cfm>. The EPA highly encourages use of their online system to submit NOIs to avoid lengthy waiting periods for authorizations to discharge. The EPA has established a number of contact points to provide assistance with the process. These include:

2013 VGP: Questions about the Permit and its requirements should be directed to the EPA at: VGP@epa.gov.

Central Data Exchange (CDX) Registration: Registration with the CDX must be accomplished prior to accessing the eNOI System. The CDX System can be accessed through: <https://cdx.epa.gov/SSL/cdx/FAQ.asp>. For assistance with CDX registration contact the EPA at: helpdesk@epacdx.net.

eNOI System: To submit documents to the EPA as required under the 2013 VGP, owner/operators must access the EPA's eNOI system. All owner/operators are required to submit information electronically through the eNOI system unless they obtain a temporary waiver from electronic reporting. It is important to understand that the VGP requires a certification statement by the individual authorized to sign and submit the eNOI information.

The eNOI system can be accessed through: <http://water.epa.gov/polwaste/npdes/vessels/Vessels-eNOI.cfm>. For assistance with the eNOI System, contact the EPA at: VGPeNOI@epa.gov.

INDIVIDUAL STATE REQUIREMENTS—COMPLIANCE REQUIRED:

The EPA may not issue a VGP authorizing discharges into the waters of a US State until these entities have granted certification under Clean Water Act (CWA) Section 401 or have waived their right to certify. If a State believes that more stringent Permit conditions are necessary, it has the ability to require them as a condition of EPA Permit certification. The following States have provided such conditional certifications: Alaska, Arizona, Arkansas, California, Connecticut, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, North Carolina, Ohio, Rhode Island, Vermont, Washington and Wisconsin.

It is important to understand that US State requirements constituting effluent or other limitations or monitoring requirements are enforceable conditions of the federal VGP and compliance with them is required. See VGP Section 6 for the additional requirements of the individual States.

ENFORCEMENT:

A Memorandum of Understanding between the United States Coast Guard and the EPA (February 2011) governs enforcement of the VGP. During Port State Control (PSC) boardings, the USCG verifies VGP compliance. VGP compliance deficiencies are entered into the USCG's PSC database for subsequent review and possible adjudication by the EPA. The majority of VGP deficiencies that have been issued relate to a vessel not having a NOI on file with the EPA.

Vessel owners/operators should be aware that Section 1.4 of the VGP details the CWA civil and criminal penalties that may result from violations of the Permit. It is also important to be aware that the EPA recently adjusted its monetary penalties as follows:

- Discharging pollutants without a NPDES permit (i.e., a VGP) or in violation of a NPDES permit may result in a potential penalty of \$187,500 per day.
- Beginning 6 December 2013, civil penalties under Section 311 of the Clean Water Act will increase from:
 - \$1,100 to \$2,100 for “reportable quantities” of each barrel of oil or each unit of hazardous substance;
 - \$1,000 to \$5,300 per barrel or unit in cases of “gross negligence” or “willful misconduct.”
- The total amount of administrative penalties for violations of either the CWA or Clean Air Act has increased to \$320,000.

Any questions can be directed to:

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