

## EPA Releases Draft Vessel General Permit

DECEMBER 1, 2011

The U.S. Environmental Protection Agency has just released the 2013 Draft Vessel General Permit, which will replace the current 2008 Vessel General Permit, effective December 19, 2013. The 2013 Draft was accompanied by an Economic and Benefits Analysis, a Fact Sheet, and draft Federal Register Notice. The documents are available at the EPA's Vessel General Permit [website](#).

For the most part, the 2013 Draft follows the 2008 VGP. However, it significantly amends the Ballast Water discharge requirements to reflect the Ballast Water Discharge Standards proposed by the Coast Guard in its Ballast Water Rulemaking project and by the IMO in the Ballast Water Management Convention (even though they are not yet in force). Under the Draft VGP (and the Coast Guard and IMO regulations, if they go into force), vessels will be required to install Ballast Water Treatment Systems, beginning January 1, 2012 for new vessels, and by the first scheduled drydocking after January 1, 2014 or 2016 (depending on the vessel's ballast water capacity).

Other notable proposed changes include:

- A requirement that VGP reports be filed electronically;
- Standards for the keeping of electronic records;
- A general VGP training requirement for all vessels;
- A requirement that decks be "broom cleaned" before deck washdowns;
- A requirement for a stand-alone Ballast Water Treatment training program and related record-keeping;
- New limits on non-TBT antifouling paints;
- A more strict prohibition against the discharge of AFFF foam used for fire-fighting training;
- Restrictions on the use of zinc for anti-cathodic protection;
- A requirement to minimize graywater production for vessels without graywater tanks;
- New discharge standards on exhaust gas scrubbers;
- Requirements to use "environmentally acceptable lubricants" for oil-sea interfaces;

- A new requirement for an annual report, in lieu of the annual non-compliance report and the “one-time” report.
- Slightly relaxed enforcement standards, by clarifying that statements must be knowingly false and material before being susceptible to sanctions

The EPA also issued a 2013 Draft Small Vessel General Permit, to be applicable to commercial vessels less than 79 feet in length. In general, the sVGP is a concise (particularly for the EPA!) document that requires boat operators to exercise good seamanship and boatkeeping to minimize discharges. For most operators, the greatest impact will be the requirement to conduct and maintain a record of quarterly inspections. Commercial fishing vessels will also be required to discharge dirty ice and most unused bait ashore, rather than at sea.

2 Min Read

---

*This entry has been created for information and planning purposes. It is not intended to be, nor should it be substituted for, legal advice, which turns on specific facts.*