

Client Alert 12-2013

April 25, 2013

FINAL DECEMBER 2013 VESSEL GENERAL PERMIT (VGP) DETAILS RELEASED

After some delay, the U.S. Environmental Protection Agency (EPA) has finally released the final version of the new Vessel General Permit (VGP) which is due to come into force on December 19, 2013 (Please refer to ECM NEWSLINE—December 2012 issue, page 7).

The December 2013 VGP will replace in its entirety the prior VGP of December 2008. Although much of the new VGP simply repeats the old VGP, there are some significant changes to note as follows:

A new NOI must be submitted – The waiting period for coverage under the permit has been reduced from 30 days to 7 days. A vessel which is currently covered under the old 2008 VGP must submit a new NOI for the 2013 VGP not later than 12 Dec 2013 to retain uninterrupted coverage. The NOI form is more detailed and requires additional information. The CDX system is not yet configured to accept the new NOI's.

Annual Report – Several previous reports have now been combined into the Annual Report. Each ship must submit an Annual Report not later than 28 February of the year following the reporting year. This makes the first report due by 28 Feb 2015 for the 2014 calendar year. This report must be submitted on the CDX system.

Permit continuation – The new VGP may go beyond the 5 year period if no action is taken. This may happen without formal extension of the permit.

Permit updates – The new permit has a “reopener clause” which allows the EPA to add or amend requirements as technology or conditions change. These changes may also be as a result of new technology, annual report information, enforcement actions, or other unspecified causes.

Commercial Fishing Vessels are no longer excluded from the permit – Commercial fishing vessels must now meet all of the applicable provisions of the VGP including NOI, inspections, recordkeeping and reporting.

Ballast Water Treatment – Installation of ballast treatment technology must meet previously established USCG timeline for approval and installation. The new VGP includes extensive requirements for monitoring performance of the equipment after installation.

Bilgewater/Oily Water Separator Effluent – New build vessels, after 19 December 2013, may discharge bilge water through their oily water separator but must monitor (sample and send ashore for analysis) the effluent once a year and report on the annual report. If analysis shows grease and oil content below 5 ppm for two years then the sampling is no longer required.

Oil-to-Sea Interfaces – All vessels must now use “Environmentally Acceptable Lubricants (EAL)” if feasible. These must be biodegradable, minimally toxic, and not bio-accumulative. If use of these products is not feasible then this must be documented and reported in the annual report. Even though environmentally “friendly”, discharge of these products may still be a reportable violation of the permit.

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Graywater – Vessels built after 19 Dec 2013 which have the capacity to carry 15 or more crew must collect and analyze two graywater samples each year. These samples must be analyzed for fecal coliform, suspended solids, pH, total residual chlorine and Biological Oxygen Demand (BOD).

Exhaust Gas Scrubber Washwater Discharge – Washwater discharges must now meet numeric effluent limits consistent with IMO guidelines in MEPC.184(59). Analytical sampling and monitoring are required and must be reported in the annual report. Discharges from inert gas systems and associated deck water seal continue to be exempt from this category and are legal to discharge.

For a copy of the new VGP, go to <http://cfpub.epa.gov/npdes/vessels/vgpermit.cfm>

ECM will continue to offer services to our clients for compliance with these new VGP requirements. Such services shall include preparation of compliance materials and checklists; submission and maintenance of the NOI; conduct annual inspections; provide training; submission of annual reports and assist in resolving PSC issues.

In addition, ECM has already announced that we shall be providing VGP training to our clients in various locations around the world. Such training shall include review of new VGP requirements and achieving compliance with same; how to prepare for a USCG PSC inspection related to the VGP; guidance in conducting weekly and annual inspections; record-keeping and reporting; corrective action requirements; sampling and analysis requirements; etc.

In ECM Client Alert 09-2013, ECM announced the following VGP training schedule:

Region/Location	Date	Venue
Manila, Philippines	Friday, June 7th, 2013 1400-1700 with cocktails & appetizers at 1700	SOFITEL Philippine Plaza Hotel
Tokyo, Japan	Tuesday, June 11th, 2013 0900-1200 with lunch at 1200	Kaiun Club
Kobe, Japan	Wednesday, June 12th, 2013 1400-1700 with cocktails & appetizers at 1700	Hotel Okura
Imabari, Japan	Friday, June 14th, 2013 1400-1700 with cocktails & appetizers at 1700	Hotel Kokusai Imabari

In addition, ECM is now pleased to announce another VGP training location as follows:

Region/Location	Date	Venue
Singapore	Thursday, October 24th, 2013 0900-1200 with lunch at 1200	Shangri-La Hotel 22 Orange Grove Rd



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Finally, ECM is working on additional VGP training in:

Region/Location	Date	Venue
Philadelphia, USA	September 2013	TBD
Busan, Korea	TBD	TBD
Hong Kong, China	TBD	TBD
Hamburg, Germany	TBD	TBD
Rome, Italy	TBD	TBD
Istanbul, Turkey	TBD	TBD