



Client Alert 7-2022

April 27, 2022

2013 Vessel General Permit (VGP) Update – Ballast Water Sampling & Analysis

A. BACKGROUND

Part 2.2.3.5.1 of the 2013 Vessel General Permit (VGP) provides guidance on monitoring of discharges from Ballast Water Treatment Systems (BWTS) that are US Coast Guard (USCG) type approved, as well as those temporarily designated as an Alternate Management System (AMS). An important part of this monitoring is the sampling and analysis of treated ballast water discharges from vessels that are subject to VGP requirements. Compliance with these requirements is required to commence once a vessel makes its first ballast water discharge in VGP waters (up to 3 miles from shore) through a USCG type approved or AMS BWTS.

B. COMPLIANCE REQUIREMENTS

The sampling and analysis requirements are divided into two parts, to cover the categories listed below. Vessels with BWTS units that use chemical biocide for ballast water treatment are required to comply with both (a) and (b), while vessels with BWTS units that use non chemical-based treatment methods (such as filtration + Ultraviolet treatment) are only required to comply with (a):

- a) Effluent Biological Organism Monitoring (VGP Part 2.2.3.5.1.1.4)
- b) Residual Biocide and Derivative Monitoring (VGP Part 2.2.3.5.1.1.5.2)

C. UPDATE

The requirements under (a) for effluent biological organism monitoring state that ***monitoring must be conducted two times during the first year (for vessels with type approved or AMS BWTS units). If sampling results are below VGP limits for both events, biological monitoring can be reduced to once per year in subsequent years.***

While the requirements under (b) for residual biocide and derivative monitoring do not mention a similar reduction in the number of sampling + analysis events after the first year, it has been common practice to follow this frequency for both effluent biological organism and residual biocide monitoring, since sampling and analysis of both components is usually arranged at the same time. Details of each analysis are submitted to the EPA as part of the Discharge Monitoring Report (DMR) accompanying

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each VGP Annual Report. During past communication with the EPA on this subject, there have been no comments to suggest that this frequency may not be in accordance with VGP requirements.

However, following the spate of recent VGP Annual Report non-conformities cited by the EPA with regard to BWTS calibration and analytical monitoring, our staff have extensively reviewed the discharge monitoring requirements and communicated with the EPA to ensure that no misinterpretations exist. In doing so, ***we have been advised by the EPA that while the frequency of effluent biological organism monitoring can reduce to once per year after the first year (as long as both analyses in the first year are within VGP parameters), the frequency of residual biocide and derivative monitoring remains unchanged at twice per year, regardless of the results obtained.***

Accordingly, vessels that had satisfactory results for both effluent biological organism and residual biocide monitoring in the first year can reduce the frequency of biological organism monitoring to once per year thereafter, but residual biocide monitoring must still be conducted twice every year.

To avoid any issues resulting from the lack of residual biocide analysis in previous years, we strongly recommend that our clients who conducted only one such annual analysis for their vessels in the past (instead of two analyses), update their VGP Annual Reports to document the non-compliance. This can be done retroactively and will indicate that the lack of a second analysis has been noted and self-recorded. Please contact ECM if you require our assistance in doing so.

As mentioned previously in this Alert, the residual biocide monitoring requirement only applies to vessels with BWTS units that use chemical-based treatment, which results in a discharge of residual chemical (biocide) with the ballast water. If you are in doubt as to whether your onboard systems discharge residual biocide, we strongly recommend that clarification be sought from the BWTS manufacturers/vendors.

Please direct all enquiries to ecm@ecmmaritime.com.
