

USCG Enforcement of U.S. EPA's Vessel General Permit Program on Ships in U.S. Waters

Introduction

Members should already be aware of the Vessel General Permit (VGP) program, sponsored by the U.S. Environmental Protection Agency (EPA), that covers all effluents, real or potential, from vessels 300 GT or greater, that call on U.S. ports and/or transit within 3 nm of the U.S. coastline. This program, which covers 26 different areas on vessels that can or may produce effluents, including ballast water, bilge water, anti-foulant hull coatings, deck washdown and runoff, 'grey water', lubricants, chemicals and maintenance fluids, etc.¹



The purpose of this circular is to inform members about the active enforcement expected of the provision of the VGP.

Memorandum of Understanding between USCG and EPA related to VGP

Vessels can register at any time for the program, but for those existing vessels at the time, the EPA allowed for registration via a filing of a Notice of Intent, and general inclusion within the permit granted, and if done by 19 Sept 2009, it allowed avoiding a now possible 30 day delay in registration and approval.

In the approximately 18 months since then, the enforcement of the program has been characterised as an 'education and outreach' based effort.

Recently, there has been a development that will result in potentially much more active enforcement of the provisions of the VGP. On 11 February 2011, the U.S. Coast Guard issued a guidance document, [CG-543 Policy letter 11-01](#), regarding a Memorandum of Understanding signed with the EPA, in which it stated it would assist the EPA with examining compliance with the basis provisions of the VGP, during routine inspections onboard U.S. flagged vessels and during Port State Control exams on non-U.S. flagged vessels. The USCG will report detected VGP deficiencies to the EPA, which retains full responsibility and enforcement authority to address VGP violations and unauthorised discharges, which includes issuance of administrative orders, administrative penalties, and judicial action.

Depending on the progress, the role of the USCG can be enhanced, with the EPA's agreement.

→ more

¹ A more detailed discussion of the program and its coverage can be found in Gard News, no. 194, p. 8, online at: <http://www.gard.no/ikbViewer/page/iknowbook/go/target/53106>

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The Job Aid checklist

According to USCG, the inspection program will not be targeted at specific vessels or scheduled as a separate inspection. Rather, it will be conducted as part of an already scheduled examination, i.e. Port State Control (PSC), International Ship and Port Security (ISPS) and/or Certificate of Compliance (COC). The Job Aid (checklist) attached to the USCG Policy Letter identifies the following minimum tasks to be included in the inspections:

- Interview senior officers to ensure they are aware of the VGP requirements;
- Examine the Notice of Intent (NOI);
- Examine records of weekly inspections;
- Examine records of annual inspections conducted after 19 December, 2010;
- Examine the dry dock inspections report if the ship has been drydocked since 6 February, 2009;
- Review Ballast Water Management Plan and records (this is an existing requirement in addition to the VGP requirements);
- Review the Oil Record Book (this is an existing requirement in addition to the VGP requirements);
- Examine deck areas for clutter, debris, oil stains, garbage, and proper use of drip pans and spill rails with mechanical closures.

The USCG will not examine compliance with individual state requirements under the VGP. However, as with all USCG inspections, evidence of non-compliance may result in a more detailed examination. All deficiencies related to the VGP will be documented and referred to the EPA for action, even those which are corrected during the examination. Correcting a problem during the examination is still in the operator's best interest.

Recommendations

Gard strongly recommends that members and clients for whom the U.S. EPA VGP program would apply consult the 'job aid' checklist/matrix referred to in this circular in order to prepare for a more active enforcement of the provisions of the VGP.

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