

New Permit Requirements for Vessels – U.S. Environmental Protection Agency

Following various court challenges and regulatory processing, the U.S. Environmental Protection Agency (EPA) has issued proposed regulations and forms to be used by commercial vessels for obtaining discharge permits for almost all effluents generated during normal shipboard operations. These regulations are set to be finalised on or before 19 December 2008.

All commercial vessels in excess of 300 GT., or exceeding 79 feet in length, or that have the capacity to carry more than 8 cubic meters (2,113 gallons) of ballast water must file a 'Notice of Intent' to obtain a general permit. The permits are required by vessels operating up to 3 miles from shore in the territorial waters of the United States.

The permit, which is issued under the aegis of the National Pollutant Discharge Elimination System program (NPDES), covers many of the categories of normal vessel discharges, including ballast water, deck runoff and gray water. Types of effluent already covered by other specific regulations will remain within the ambit of those already established regulations. This general permit system will require either specific actions or 'best management practices', and will include inspections, maintenance of written records, and reporting requirements.

Intertanko has recommended that the interim regulations be used as the basis for preparing a 'Notice of Intent', which is the beginning of the permit process, but not filing such a 'Notice of Intent' until after the final regulations are promulgated in December. In view of the time required to comply with this regulatory process, that recommendation would be one for vessel operators to seriously consider.

The EPA has a section on its web site devoted to this process:

<http://www.epa.gov/npdes/vessels>.

At that web site are also links to the overview of the history and proposed permitting scheme, http://www.epa.gov/npdes/pubs/vessel_overview.pdf, a fact sheet, http://www.epa.gov/npdes/pubs/vessel_commercial_factsheet.pdf, and a permit form, http://www.epa.gov/npdes/pubs/vessel_commercial_permit.pdf.

We will await the issuance of the final regulations by the EPA within the next 2 months, and will issue a supplement to this notice once the final rules are available.

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