

**United States Environmental Protection Agency (EPA)
National Pollutant Discharge Elimination System (NPDES)**

**SMALL VESSEL GENERAL PERMIT FOR DISCHARGES
INCIDENTAL TO THE NORMAL OPERATION OF
VESSELS LESS THAN 79 FEET (sVGP)**

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. 1251 *et seq.*), the owner or operator of any non-recreational, non-military vessel less than 79 feet in length that is operating in a capacity as a means of transportation, and is eligible for permit coverage under Part 1 of this permit, is authorized to discharge into waters subject to this permit in accordance with the requirements set forth in this permit.

Required best management practices (BMPs) are found in Part 2. Additional requirements applicable to all dischargers covered under this permit are set forth in Parts 3 through 6 of this permit. State and tribe-specific requirements are included in Part 7. Applicable forms are in the Appendices.

This permit becomes effective on **December 19, 2014**.

This permit and the authorization to discharge expire at 11:59 p.m. on **December 18, 2019**.

Signed and issued this 21st day of August, 2014

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1. PERMIT COVERAGE

1.1 ELIGIBLE VESSELS

All non-recreational, non-military vessels less than 79 feet (24.08 meters) in length that are operating in a capacity as a means of transportation are eligible for coverage under this permit. Nothing in this permit shall be interpreted to apply to a vessel of the Armed Forces as defined in section 312(a)(14) of the CWA.

Recreational vessels, as defined by the Clean Boating Act (which amends the CWA), and reiterated in Part 5 (Definitions) of this permit, are not required to obtain an NPDES permit for discharges incidental to the normal operation of their vessels, and therefore, are not subject to this permit. Instead, discharges incidental to the normal operation of a vessel, if the vessel is a recreational vessel, will become subject to management practices after regulations are finalized establishing those practices. See 33 U.S.C. 1322(o).

The CWA section 502(25) defines a recreational vessel as any vessel that is either (1) manufactured or used primarily for pleasure, or (2) leased, rented, or chartered to a person for the pleasure of that person. The term recreational vessel does not include a vessel that is both subject to Coast Guard inspection and either (1) engaged in commercial use or (2) carries paying passengers. Please see the Fact Sheet accompanying this permit for illustrative examples of vessels that are considered recreational vessels and therefore do not need NPDES permit coverage.

1.2 WATERS COVERED/GEOGRAPHIC SCOPE

This permit is applicable to discharges from vessels identified in Part 1.1 of this permit into “waters subject to this permit,” which are “waters of the United States” as defined in 40 Code of Federal Regulations (CFR) § 122.2. Waters subject to this permit extend to the outer reach of the 3 mile territorial sea as defined in section 502(8) of the CWA, and include all navigable waters of the Great Lakes subject to the jurisdiction of the United States.

1.3 OBTAINING COVERAGE UNDER THIS PERMIT

Vessel owners/operators must complete the Permit Authorization and Record of Inspection (PARI) Form available in Appendix A and retain it onboard their vessel. Completion of this form provides written certification that the vessel owner/operator has read and understood the terms of the permit. Part V of the PARI Form provides written certification that the vessel owner/operator has conducted the required quarterly visual inspections found in Part 3 of this permit.

All vessels eligible for coverage will receive coverage starting on December 19, 2014, provided you have signed the PARI Form and maintain a copy on board your vessel.

1.4 VESSEL DISCHARGES ELIGIBLE FOR COVERAGE

Discharges incidental to the normal operation of a vessel, when operating in the capacity as a means of transportation, are covered unless they are listed in Part 1.5 of this permit. Discharges incidental to the normal operation of a vessel include, but are not limited to, anti-foulant hull

coating leachate, bilgewater, ballast water, deck runoff, fish hold effluent, graywater, non-contact engine cooling water, packing gland effluent, and underwater hull husbandry. For the purposes of this permit, not all vessel discharges are considered incidental to normal operation of a vessel (e.g., industrial discharges).

1.5 VESSEL DISCHARGES NOT ELIGIBLE FOR COVERAGE

The following types of discharges are not authorized under this permit:

(a) Vessel Discharges not Incidental to the Normal Operation of the Vessel

Discharges that are not incidental to the normal operation of a vessel operating in a capacity as a means of transportation. This includes, but is not limited to:

1. Discharges when the vessel is operating in a capacity other than as a means of transportation such as when used as an energy or mining facility; a storage facility or seafood processing facility; or when secured to the bed of the ocean, contiguous zone or waters of the United States for purpose of mineral or oil exploration or development;
2. Medical waste as defined in 33 § U.S.C. 1362(20); and
3. Noxious liquid substance residues subject to 33 CFR Part 151, Subpart A.

(b) Sewage from Vessels

Sewage from vessels, as defined in 40 CFR § 122.2 and in Part 5 (Definitions) of this permit, does not require an NPDES permit. Instead, sewage from vessels is regulated under section 312 of the CWA, 40 CFR Part 140 and 33 CFR Part 159.

(c) Used or Spent Oil

Discharges of used or spent oil no longer being used for their intended purposes.

(d) Garbage or Trash

Discharges of rubbish, trash, garbage, or other such materials overboard.

(e) Tetrachloroethylene (Perchloroethylene) and Trichlorethylene (TCE) Degreasers and Other Products

Discharges of tetrachloroethylene and trichlorethylene (TCE) degreasers or other products containing tetrachloroethylene or TCE.

(f) Discharges Currently or Previously Covered by Another NPDES Permit

Vessel discharges covered, as of the effective date of this permit, under an individual NPDES permit or another NPDES general permit, unless those discharges were covered by EPA's December 2008 Vessel General Permit, or unless EPA provides written authorization for coverage to be obtained for such discharges under this permit.

Discharges from vessels covered by any NPDES permit that has been or is in the process of being denied, terminated, or revoked by EPA or state permitting authorities (this does not apply to the routine reissuance of permits every five years), unless EPA provides written authorization for coverage to be obtained for such discharges under this permit.

2. EFFLUENT LIMITS AND RELATED REQUIREMENTS

In the limits below and throughout this permit, the term “minimize” means reduce and/or eliminate to the extent achievable using control measures (including BMPs) that are technologically available and economically practicable and achievable in light of best marine practice.

2.1 GENERAL REQUIREMENTS

For all discharges, as applicable, you must:

- (a) Minimize the potential for pollutants to accidentally enter the effluent, including spills.
- (b) Not discharge garbage in the effluent.
- (c) Not use any dispersants, cleaners, chemicals, or other materials or emulsifiers that would remove the appearance of a visible sheen in the discharge.¹
- (d) Minimize the discharge of constituents of concern or pollutants, such as foam or floating solids.
- (e) Not discharge oil, including any oily mixture, in quantities that may be harmful or cause a visible sheen.
- (f) Not discharge antifreeze with toxic or known carcinogenic additives, such as ethylene glycol and methanol. Minimize the discharge of all other antifreeze, such as antifreeze containing propylene glycol. For vessel engines that have been winterized, minimizing the discharge includes capturing antifreeze drained from the engine.
- (g) When feasible, perform major cleaning, maintenance, and repair jobs while the vessel is out of the water or in drydock.
- (h) Use only minimally-toxic, phosphate-free, and biodegradable soaps, detergents, or cleaners. Phosphate-free soap contains by weight 0.5 percent or less of phosphates or derivatives of phosphates.
- (i) Immediately report any spill of oil or other harmful chemicals that are discharged in a quantity that may be harmful or cause a visible sheen as established under 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, to the National Response Center at 1-800-

¹ 40 CFR § 110.4 states that: “addition of dispersants or emulsifiers to oil to be discharged that would circumvent the provisions of this part is prohibited.” 33 CFR § 151.10 (g) states that: “No discharge into the sea shall contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this regulation.”

424-8802. The National Response Center can also be contacted through their website at: www.nrc.uscg.mil.

- (j) Not add any pollutant that is not incidental to the normal operation of a vessel to any discharge.
- (k) While the vessel engine is operating, frequently check the area around and behind the vessel to ensure that no visible sheen, dust, chemicals, or discoloration are originating from the vessel.

2.2 FUEL MANAGEMENT

You must:

- (a) For all motorized vessels constructed on or after December 19, 2014, use a functioning fuel-air separator or a fuel tank vent to prevent a fuel spill.
- (b) Prevent overfilling, for example, by not topping off your fuel tanks in a way that causes spillage.
- (c) For motorized vessels, if the vessel does not have a functioning fuel-air separator or a fuel tank vent, use an oil-absorbent material or other appropriate device while fueling the vessel to prevent any fuel or oil from entering waters subject to this permit.
- (d) Regularly inspect the fuel and hydraulic systems for any damage or leaks, e.g., when fueling and/or performing routine maintenance, and if needed, repair or replace damaged parts as soon as possible.
- (e) Unless impracticable, fill portable fuel tanks onshore, instead of on the dock or on the vessel.

2.3 ENGINE AND OIL CONTROL

You must:

- (a) Periodically inspect the engine at least once per quarter for any loose or leaking hoses, gaskets, and/or seals and if needed, repair or replace damaged parts as soon as possible.
- (b) Place oil-absorbent material or other spill response equipment under the vessel engine or use other preventative practices to minimize oil entering the bilgewater.
- (c) Clean up any spill or overflow of oil or other engine fluids immediately. Keep a supply of absorbent pads, pillows, or other materials on board as appropriate for use in containing or remediating any such spills or overflows, and check supplies quarterly and restock as necessary.
- (d) Dispose of used oil-absorbent materials onshore consistent with applicable solid waste regulations (e.g., in containers designed and intended for oily waste disposal).
- (e) If the vessel has a bilge oily water separator, check for the presence of a visible sheen in surrounding waters periodically while discharging and if a visible sheen is observed as a

result of this discharge, suspend discharge until the problem is corrected and clean up immediately.

- (f) For vessels without a U.S. Coast Guard type-approved bilge oily water separator, use an oil-absorbent material to remove any oil from the bilge before discharging.
- (g) Not discharge packing gland or stuffing box effluent containing oil, including oily materials, in quantities that may be harmful or that produce a visible sheen of oil or oily materials.
 - 1. If accessible while the vessel is operational and manned, check segregated water which contains drips from packing gland effluent or stuffing box effluent daily for the presence of a visible sheen. If not accessible while the vessel is operational and manned, check the surrounding water for the presence of a visible sheen while the vessel is operating. If a visible sheen is observed, use appropriate measures, such as the use of oil-absorbent materials, to remove the presence of oil before the effluent is discharged. Use of dispersants or emulsifiers that remove the appearance of a visible sheen is prohibited.
 - 2. If a visible sheen is observed in surrounding waters as a result of this discharge, suspend the discharge until the problem is corrected and clean up immediately.
- (h) Unless technically infeasible, use environmentally acceptable lubricants (“EALs”) (as defined in Part 5 of this permit) in all machinery and equipment, including but not limited to stern tubes, wires, and two-stroke engines, where discharges of oil to surrounding waters are likely to occur. For purposes of requirements related to EALs, technically infeasible means that no EAL products are approved for use in a given application that meet manufacturer specifications for that equipment, products that come pre-lubricated (e.g., wire ropes) have no available alternatives manufactured with EALs, products meeting manufacturer specifications are not available within any port in which the vessel calls, or change over and use of an EAL must wait until the vessel’s next drydocking.
- (i) Prior to pumping the bilge, inspect the bilgewater for an oily sheen if practicable. While pumping the bilge, examine the surrounding water for the presence of a visible sheen.
 - 1. If a visible sheen is observed as a result of this bilge pumping, suspend the discharge until the problem is corrected and clean up immediately.
- (j) Not add to the bilge any substance, including dispersants, detergents, emulsifiers, chemicals, or other substances that remove the appearance of a visible sheen.

2.4 SOLID AND LIQUID WASTE MANAGEMENT

You must:

- (a) Prevent trash or garbage, including food waste, cigarette butts, bottles, and caps from entering and being discharged in any waste stream covered by this permit. This can be accomplished, in part, by maintaining a tidy deck.
- (b) Have and maintain appropriate receptacles for retaining trash or garbage on board the vessel. Examples of appropriate receptacles include secured trash bags or coolers, bins, or trash cans with secure lids. Store any used antifreeze, paint, out-of-date flares, or other

toxic or hazardous materials in secure containers and dispose of them properly at onshore disposal facilities.

- (c) Secure or otherwise prevent loose items on deck from entering any waste stream covered by this permit.
- (d) Prevent monofilament line, fishing nets, lines, lures, rope, bait boxes, and hooks from entering any waste stream covered by this permit.
- (e) Not discard any unused live bait overboard, except for bait caught in that waterbody or watershed. Unused live bait purchased from a bait shop or dealer may not be discharged overboard unless the vessel operator has documentation from the dealer that the bait was caught in that waterbody or watershed.
- (f) To the extent practicable, remove all accumulated bilgewater prior to transporting the vessel from one waterbody to another over land to reduce the risk of transporting invasive species and to remove other potential pollutants.

2.5 DECK WASHDOWN AND RUNOFF AND ABOVE WATER LINE HULL CLEANING

You must:

- (a) Use all soaps and cleaners as directed by the label.
- (b) Use only minimally toxic, phosphate-free, and biodegradable soaps, detergents, or cleaners on the vessel. The use of soaps that are labeled toxic or highly toxic is prohibited under this permit.
- (c) Prevent the introduction of on-deck debris, garbage, residue, and spills into deck washdown and runoff discharges.
- (d) Minimize the discharge of paint chips and residue, especially during cleaning, maintenance, paint application, and reapplication. When performing these activities, collect and then dispose of chips and residues onshore in accordance with applicable requirements for the facility where operations are performed.

2.6 VESSEL HULL MAINTENANCE

You must:

- (a) If the vessel is equipped with an anti-foulant system, minimize the impact of that system or the discharges resulting from anti-foulant paints to the aquatic environment, including:
 - 1. Consider whether the use of non-copper based paints adequately meets vessel anti-foulant needs and use less toxic alternatives to the extent practicable and available.
 - 2. Where drying or hull cleaning at haul-out is adequate for managing fouling (e.g., for vessels that are hauled frequently or for over-winter storage), not use anti-fouling coatings.
 - 3. Not discharge tributyltin (TBT) (i.e., zero-discharge standard). Two potential ways to meet this standard are to:

- Have no TBT coatings; or
 - Have an effective overcoating that completely eliminates TBT discharges.
4. Not use any other organotin compound (e.g., dibutyltin) as a hull coating except when the organotin compound is used as a catalyst and the hull coating contains no more than 2,500 milligrams total tin per kilogram of dry paint. Furthermore, the coating shall not be designed to slough or otherwise peel from the vessel hull. Incidental amounts of coating discharged by abrasion during cleaning or after contact with other hard surfaces (e.g., moorings) are not prohibited.
- (b) Not clean anti-foulant paint, which releases biocides, for the first 90 days after application unless the vessel's hull is substantially fouled.
- (c) If the anti-foulant paint requires cleaning, gently clean hulls on a regular basis (this minimizes the need for stronger cleaners and more abrasive brushes).
- (d) Examine the water while cleaning hulls coated with anti-fouling paint while the vessel is in the water to assure that it is not causing a plume or cloud of paint to form. Stop immediately if any visible plume or cloud of paint appears in the water. Production of a plume or cloud of sediment or hull growth is normal in some cases during vessel hull cleaning, but this plume or cloud must be substantially paint free (e.g., paint should not be clearly identifiable in the plume or cloud). Consider hiring a qualified, professional hull cleaner to do the work, and ensure that they follow environmental guidelines.
- (e) When cleaning hulls coated with anti-fouling paint while the vessel is out of the water, always work away from the water in a location where paint chips and dust will not be washed into the water. Place a tarp under the area to catch loose particles, and properly dispose of paint chips, dust, and other particles. If working in an area that is covered by an NPDES permit (e.g. marina or drydock), follow the cleaning requirements of that permit.
- (f) Inspect the vessel hull at least once per quarter for any attached living organisms and clean, if necessary, to prevent the spread or dispersal of potentially invasive species.
- (g) Minimize the transport of any visible living aquatic organisms from one waterbody to another by regularly cleaning and maintaining the hull.
- (h) Prior to transporting the vessel from one waterbody to another overland, inspect the visible areas of the vessel for any attached or visible stowaway living organisms. If organisms are found, remove and appropriately discard these organisms onshore. Do not discharge removed organisms into waters subject to this permit.

2.7 GRAYWATER

You must:

- (a) Minimize graywater discharges in areas that have heavy vessel traffic or heavy recreational use and in marine sanctuaries, national wildlife refuges, national wild and scenic rivers, and national wilderness areas. If the vessel has the capacity to store

graywater, it should be stored and discharged outside these waters, preferably at an appropriately equipped and permitted onshore facility where available.

- (b) Minimize the production of graywater while the vessel is stationary in confined waters (e.g., marinas, harbors). If the vessel has the capacity to store graywater, it should be stored and discharged at an appropriately equipped and permitted onshore facility or discharged while the vessel is underway.
- (c) Use soaps, detergents and cleaners that are phosphate free, minimally toxic, and biodegradable for any activities that may result in their introduction into graywater. Do not add excess oils (e.g., residual frying oils from pans), including animal fats and vegetable oils used during cooking, to the graywater system or into any other discharge covered by this permit.

2.8 FISH HOLD EFFLUENT

You must:

- (a) Take all reasonable steps to prevent the discharge of excess fish hold water and ice while the vessel is stationary at the pier. If large solid pieces of fish waste are contained in the fish hold effluent (e.g., fish heads, internal organs) the fish hold effluent may not be discharged while the vessel is pierside and stationary, unless a physical separation method is used (e.g., ½ inch coarse screens or smaller, a screened hose having ½ inch screen openings or smaller, filters, or other methods to remove large solids).
- (b) Dispose of solid fish waste shoreside on land or at sea (but outside of harbors or other protected and enclosed coastal waters, and other areas where EPA has found that such deposits could endanger health, the environment, or ecological systems in a specific location under the Marine Protection, Research and Sanctuaries Act, 33 U.S.C 1412(d)).
- (c) Discharge your effluent (including dirty ice) to an available shore-based facility if you are unloading your catch at a shore-based seafood processor or other pier and:
 - The shore-based facility's use is economically achievable, and
 - The shore-based facility has a valid NPDES permit, or
 - That shore-based facility discharges to an NPDES-permitted sewage treatment facility.

Discharges from holding tanks for the sole purpose of keeping the catch alive during transit by pumping continuous "once through" ambient water into and through the tank prior to immediate discharge (e.g., crabbing/lobster vessels) are not subject to this requirement.

- (d) When cleaning the fish hold, use minimally toxic, phosphate-free, and biodegradable soaps and cleaners. Furthermore, while pierside and stationary, do not wash any residual solids into surrounding waters.

2.9 BALLAST WATER

You must:

- (a) Minimize or avoid the discharge or uptake of ballast water in areas within, or that may directly affect marine sanctuaries, marine preserves, marine parks, shellfish beds, or coral reefs.
- (b) Minimize or avoid uptake of ballast water in the following areas and situations:
 - 1. Areas known to have infestations or populations of harmful organisms and pathogens (e.g., toxic algal blooms).
 - 2. Areas near sewage outfalls.
 - 3. Areas near dredging operations.
 - 4. Areas where tidal flushing is known to be poor or times when a tidal stream is known to be turbid.
 - 5. In darkness, when bottom-dwelling organisms may rise up in the water column.
 - 6. Where propellers may stir up the sediment.
 - 7. Areas with pods of whales, convergence zones, and boundaries of major currents.
- (c) Discharge only the minimal amount of ballast water essential for vessel operations.
- (d) When feasible and safe, use ballast water pumps instead of gravity draining to empty your ballast water tanks.
- (e) When feasible, use one of the following measures to reduce the potential for transfer or introduction of organisms to waters of the United States:
 - 1. Use potable water for ballasting.
 - 2. Use onshore treatment or disposal methods for ballast water.
 - 3. For vessels that conduct fixed routes, capture and reuse ballast water in each port, for example, by internally transferring ballast water within a vessel's ballast tanks rather than discharging it.

2.10 OVERBOARD COOLING WATER DISCHARGE

You must:

- (a) To reduce the production and discharge of cooling overboard discharge, consider using shore-based power when the vessel is in port if:
 - 1. Shore power is readily available for vessel owners/operators from utilities or port authorities;
 - 2. Shore-based power supply systems are capable of providing all electricity required for vessel operations; and

3. The vessel is equipped to connect to shore-based power and such systems are compatible with the available shore power.

2.11 COMPLIANCE WITH OTHER STATUTES AND REGULATIONS

You must:

- (a) As a condition of this permit, comply with all federal laws related to discharges incidental to the normal operation of a vessel. Examples of applicable federal laws follow:
 1. Section 311 of the CWA, 33 § U.S.C. 1321 and its implementing regulations, including 40 CFR Part 110.
 2. National Marine Sanctuaries Act, 16 § U.S.C. 1431 *et seq.* and its implementing regulations found at 15 CFR Part 922 and 50 CFR Part 404.
 3. Federal Noxious Weed Act, 7 § U.S.C. 2801 *et seq.* and its implementing regulations found at 7 CFR Part 360.
 4. Act to Prevent Pollution from Ships, 33 § U.S.C. 1901 *et seq.*
 5. Federal Insecticide, Fungicide, and Rodenticide Act, 7 § U.S.C. 136 *et seq.*

3. MONITORING AND RECORDKEEPING

3.1 RECORDKEEPING REQUIREMENTS

You must:

- (a) Read and sign the PARI Form found in Appendix A of this permit. This form must be signed and kept on board the vessel at all times to maintain valid sVGP coverage. The person signing the PARI Form must be a signatory under 40 CFR § 122.22. A signatory includes the person in charge (e.g., the Master), or that person's duly authorized representative.
- (b) Conduct quarterly visual inspections in accordance with Part 3.2 of this permit and certify on the PARI Form that the inspections were completed. The person in charge (e.g., the Master) or that person's duly authorized representative may certify the PARI Form.
- (c) Retain all records required under this permit (e.g., PARI Form and inspection records as applicable) for a period of at least 3 years from the date the permit expires or the date the owner's or operator's authorization to discharge under this permit is terminated. For purposes of this permit, records may be kept electronically if the records are:
 1. In a format that can be read in a similar manner as a paper record;
 2. Legally dependable with no less evidentiary value than their paper equivalent; and
 3. Accessible to the inspector during an inspection to the same extent as a paper copy stored on the vessel would be, if the records were stored in paper form.

3.2 QUARTERLY VISUAL INSPECTION REQUIREMENTS

You must:

- (a) Conduct a quarterly visual inspection of each vessel covered by this permit. The inspection can be conducted by you or your duly authorized representative.
 1. The inspection must cover all discharges and all applicable areas that impact discharges covered by the permit and at minimum, the visible portions of the hull.
 2. The inspection must ensure that all areas are clear of garbage, exposed raw materials, oil, or any other materials that could be discharged into any waste stream or receiving waters, and that there are no uncontrolled or unmanaged sources of these pollutants.
- (b) Check to ensure that all equipment on board is in proper working condition. This equipment includes, as appropriate, oily water separators, monitors, bilges, pumps, and generators.
- (c) Check all protective seals for lubrication and hydraulic oil leaks.
- (d) Correct any problems identified during the quarterly inspection as soon as possible.
- (e) Document the dates of these inspections on the sVGP PARI Form along with any problem(s) identified and corrective actions taken to resolve the problem(s).
- (f) If vessels are being maintained on land for a full quarter, they need not be inspected. Vessel owners/operators must document that the vessel was not in waters for that quarter on their PARI Form before placing the vessel back into service.

4. ADDITIONAL REQUIREMENTS

4.1 CONTINUATION OF THIS PERMIT

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with section 558(c) of the Administrative Procedure Act and EPA regulations at 40 CFR § 122.6 and all permit limitations and conditions will remain in force and effect for discharges that were covered prior to expiration. If you were granted permit coverage prior to the expiration date, you will automatically remain covered by this permit until the earliest of:

- Your authorization for coverage under a reissuance or replacement of this permit; or
- Issuance of a new general permit that covers your vessel discharges or vessel type and provides you coverage without requiring you to submit a notice of intent to obtain coverage; or
- Issuance or denial of an individual permit for the vessel's discharges; or
- A formal permit decision by EPA not to reissue this general permit, at which time EPA will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.

4.2 ALTERNATIVE PERMITS

Pursuant to 40 CFR § 122.28(b)(3), EPA may require you to apply for an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition EPA to take action under this paragraph. If EPA requires you to apply for an individual NPDES permit, EPA will notify you in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and will provide application information for alternative permits. In addition, if you are an existing permittee authorized to discharge under this permit, the notice will set a deadline to file the permit application, and will include a statement that on the effective date of the individual NPDES permit, or the alternative general permit as it applies to you, coverage under this general permit will terminate. EPA may grant additional time to submit the application if you request it. If you are covered under this permit and fail to submit an individual NPDES permit application as required by EPA, then your coverage under this permit is terminated at midnight on the day specified by EPA as the deadline for application submittal. In addition, if EPA denies your application for an individual NPDES permit, you are also not authorized to discharge under this general permit, unless EPA explicitly authorizes your continued coverage under this general permit at the time of the individual permit denial.

When an individual NPDES permit is issued to you or you are authorized to discharge under an alternative NPDES general permit, your coverage under this permit is terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

4.2.1 Permittee Requesting Coverage under an Alternative Permit

You may request to be excluded from coverage under this general permit by applying for an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of 40 CFR § 122.21 with reasons supporting the request, to EPA at the appropriate EPA Regional Office(s) listed in Part 6 of this permit, no later than 90 days after the date of publication of final permit in the Federal Register. The request may be granted by issuance of an individual permit or authorizing coverage under an alternative general permit if your reasons are adequate to support the request. A source excluded from this general permit solely because it already has an individual permit may request that the individual permit be revoked, and that it be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to the source.

When an individual NPDES permit is issued to you or you are authorized to discharge under an alternative NPDES general permit, your authorization to discharge under this permit is terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

4.3 PERMIT COMPLIANCE

Any noncompliance with the requirements of this permit constitutes a violation of the CWA. Each day a violation continues is a separate violation of this permit.

The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The CWA further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both. In addition, false statements or representations, as well as alterations or false entries in documents, may be punishable by more severe criminal penalties pursuant to 18 U.S.C. § 1001 or 18 U.S.C. § 1519.

To provide clarity for the permittee, there are additional reminders in certain sections of this permit about what constitutes a permit violation. The absence of such a reminder in a particular section does not mean that failure to meet that requirement is not a permit violation.

4.4 DUTY TO PROVIDE INFORMATION

EPA may request any information required to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. You must provide any requested information within a reasonable time following the request.

4.5 INSPECTION AND ENTRY

The vessel owner or operator shall allow EPA or an authorized representative to:

1. Inspect any vessel, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
2. Sample or monitor, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

Authorized representatives include the U.S. Coast Guard, an authorized contractor acting as a representative of the Administrator or Director, or an appropriate state agency. Authorized representatives should present their credentials to the vessel owner or operator before inspecting or entering any vessel.

This section does not limit or replace EPA's authorities under Section 308 of the CWA, including the authority to enter, access, inspect, sample, monitor, and obtain information to verify compliance with the CWA.

4.6 PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

4.7 SEVERABILITY

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. The permit stands even if portions are remanded unless, as a result of the remand, the permit would not meet the minimum legal requirements for NPDES permits under the CWA or its implementing regulations.

4.8 STATE LAWS

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by section 510 of the CWA.

4.9 FEDERAL LAWS

Nothing in this permit shall be construed to affect, supersede, or relieve the vessel owner or operator of any otherwise applicable requirements or prohibitions under other provisions of federal law or regulations.

4.10 STANDARD PERMIT CONDITIONS

Permittees must follow all standard conditions required in 40 CFR § 122.41.

As required by 40 CFR § 122.44(p), you must comply with any applicable regulations promulgated by the Secretary of the Department in which the Coast Guard is operating, that establish specifications for transportation, handling, carriage, and storage of pollutants.

In addition, discharges under this permit into the Great Lakes System (as defined in 40 CFR § 132.2) must comply with any conditions promulgated by the state, tribe, or EPA pursuant to 40 CFR Part 132 that are applicable to the discharges that are incidental to the normal operation of your vessel.

Additionally note that the standard permit condition at 40 CFR § 122.44(i)(5) requires all instances of noncompliance be reported to EPA at least once per year. A list of appropriate Region contacts can be found on the EPA webpage at <http://water.epa.gov/polwaste/npdes/vessels/Vessels-Contacts.cfm>.

As a requirement of the sVGP, noncompliance reports for the previous calendar year must be reported by February 28th of the following calendar year. The sVGP contains an annual noncompliance form in Appendix B that must be used when submitting noncompliance reports.

4.11 WATER QUALITY-BASED EFFLUENT LIMITATIONS

The requirements in this Part constitute the water quality-based effluent limitations in this permit. These water quality-based effluent limitations supplement this permit's technology-based limitations in Part 2 of this permit.

Your discharge must be controlled as necessary to meet applicable water quality standards in the receiving waterbody or another waterbody impacted by your discharges. EPA expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that your discharge causes or contributes to an exceedance of applicable water quality standards, you must take action to bring your vessel discharge into compliance, and you must report exceedances of water quality standards and the steps you take to bring your vessel into compliance on your annual noncompliance report.

EPA may impose additional water quality-based limitations on a site-specific basis or require you to obtain coverage under an individual permit if any information indicates that your discharges are not controlled as necessary to meet applicable water quality standards, either in the receiving waterbody or another waterbody impacted by your discharges. EPA or an authorized representative of EPA may inform vessel operators of specific requirements.

4.11.1 Dischargers to Water Quality - Impaired Waters

Impaired waters or “water quality-limited segment[s]” are those which have been identified by a tribe, state, or EPA pursuant to Section 303(d) of the CWA as not meeting applicable state or tribal water quality standards. Impaired waters may include both waters with EPA-approved or EPA-established Total Maximum Daily Loads (TMDLs) and those for which EPA has not yet approved or established a TMDL.

If you discharge to an impaired water without an EPA-approved or established TMDL, you are required to comply with the requirements of this section, including any additional requirements that EPA may impose pursuant to this section. Note that this provision also applies to situations where EPA determines that your discharge is not controlled as necessary to meet water quality standards in another water body, even if your discharge is to a receiving water that is not specifically identified on a Section 303(d) list.

If you discharge to an impaired water with an EPA-approved or established TMDL and EPA or state TMDL authorities have informed you that a Waste Load Allocation (WLA) has been established that applies specifically to your vessel’s discharges, to discharges from vessels in your vessel class or type, or to discharges from vessels in general if applicable, your discharge must be consistent with the assumptions and requirements of that WLA. If such a WLA exists, EPA will inform you if any additional limits or controls are necessary for your discharges to be consistent with the assumptions of any available WLA in the TMDL, or whether an individual permit application is necessary in accordance with Part 4.2. Note that this provision also applies to situations where EPA determines that your discharges are covered by the WLA in an EPA-approved or established TMDL for another water body, even if your discharge is to a receiving water that is not specifically identified on a Section 303(d) list.

If an applicable TMDL exists either individually or categorically for your vessel or vessel class (including disallowing discharges from your vessel), EPA and/or state TMDL agencies will inform vessel operators of specific requirements via dock side postings, information made available from the Captain of the Port, or by specifically contacting your vessel.

4.12 GENERAL PROVISIONS

Note that:

- All requirements in this permit to comply with statutes and regulations, other than CWA section 402 and its implementing regulations, refer to those authorities as codified as of the date of Federal Register notice announcing the availability of the final sVGP.
- All requirements to comply with specified statutes include the requirement to comply with any applicable implementing regulations.
- EPA intends to implement the sVGP in accordance with the CWA as well as U.S. international legal obligations, including those obligations associated with a vessel's right to innocent passage as provided for under customary international law.

5. DEFINITIONS

The following definitions apply to this permit. Terms not defined in this Appendix have the meaning given by 40 CFR § 122.2. When a defined term appears in a definition, the defined term is placed in quotation marks as an aid to readers. [source: intro to 40 CFR § 122.2]

“Ballast tank” means any tank or hold on a vessel used for carrying “ballast water,” whether or not the tank or hold was designed for that purpose. [source: 33 CFR § 151.2025]

“Ballast water” means any water and suspended matter taken on board a vessel to control or maintain trim, draught, stability, or stresses of the vessel, regardless of how it is carried. [source: 33 CFR § 151.1504]

“Ballast water capacity” means the total volumetric capacity of any tanks, spaces, or compartments for carrying, loading, or discharging “ballast water,” including any multi-use tanks, space or compartment designed to allow carriage of “ballast water.”

“Bilgewater” means the wastewater from a variety of sources that accumulates in the lowest part of the vessel (the bilge).

“Biocide” means a substance or organism, including a virus or a fungus, which is introduced or produced to kill or eliminate organisms to prevent biofouling, to prevent the transfer of invasive species, or otherwise eliminate organisms on board the vessel.

“Biodegradable” means, the following for purposes of the sVGP:

Regarding environmentally acceptable lubricants and greases, biodegradable means lubricant formulations that contain at least 90 percent weight in weight concentration (w/w) or grease formulations that contain at least 75 percent (w/w) of a constituent substance or constituent substances (only stated substances present above 0.10% shall be assessed) that each demonstrate either the removal of at least 70 percent of dissolved organic carbon, production of at least 60 percent of the theoretical carbon dioxide, or consumption of at least 60 percent of the theoretical oxygen demand within 28 days. Acceptable test methods include: Organization for Economic Co-operation and Development Test Guidelines 301 A-F, 306, and 310, ASTM 5864, ASTM D-7373, OCSPP Harmonized Guideline 835.3110, and International Organization for Standardization 14593:1999. For lubricant formulations, the 10 percent (w/w) of the formulation that need not meet the above biodegradability requirements, up to 5 percent (w/w) may be nonbiodegradable (but not bioaccumulative) while the remainder must be inherently biodegradable. For grease formulations, the 25 percent (w/w) of the formulation that need not meet the above biodegradability requirement, the constituent substances may be either inherently biodegradable or non-biodegradable, but may not be bioaccumulative. Acceptable test methods to demonstrate inherent biodegradability include: OECD Test Guidelines 302C (>70 percent biodegradation after 28 days) or

OECD Test Guidelines 301 A-F (>20 percent but <60 percent biodegradation after 28 days).

Regarding cleaning products, biodegradable means products that demonstrate either the removal of at least 70 percent of dissolved organic carbon, production of at least 60 percent of the theoretical carbon dioxide, or consumption of at least 60 percent of the theoretical oxygen demand within 28 days. Acceptable test methods include: Organization for Economic Co-operation and Development Test Guidelines 301 A-F, 306, and 310; and International Organization for Standardization 14593:1999.

Regarding biocidal substances, biodegradable means a compound or mixture that yields 60 percent of theoretical maximum carbon dioxide and demonstrates a removal of at least 70 percent of dissolved organic carbon within 28 days as described in EPA 712-C-98-075 (OPPTS 835.3100 Aerobic Aquatic Biodegradation).

“Constructed” means a state of construction of a vessel at which—

- (A) the keel is laid;
- (B) construction identifiable with the specific vessel begins;
- (C) assembly of the vessel has begun comprising at least 50 tons or 1 percent of the estimated mass of all structural material of the vessel, whichever is less; or
- (D) the vessel undergoes a major conversion.” *[patterned after the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, regulation A-1(4)]*

“Control measure” means any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

“Deck” means a horizontal surface or part thereof serving as a floor or structural support over the upper section of the hull and which is exposed to weather and sea such as freeboard and superstructure decks from which runoff may originate.

“Deck runoff” means the precipitation, washdowns, and seawater falling on the weather deck of a vessel and discharged overboard through deck openings. *[source: 40 CFR § 1700.4]*

“Discharge incidental to the normal operation of a vessel” means those discharges that were excluded from the NPDES permitting program by operation of 40 CFR § 122.3(a) as in effect on September 29, 2008.

“Environmentally acceptable lubricants” or “EALs” means lubricants that are “biodegradable” and “minimally-toxic,” and are “not bioaccumulative” as defined in this permit. Products meeting the permit’s definitions of being an EAL include those labeled by the following labeling programs: Blue Angel, European Ecolabel, Nordic Swan, the Swedish Standard SS 155434 and SS 155470,

Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) requirements, and EPA's Design for the Environment (DfE).

“Fish hold” means the area where seafood or seafood products are kept once caught and kept fresh during the remainder of the voyage before being offloaded to shore or another tender vessel. The fish hold is typically a refrigerated seawater holding tank, where the seafood product is kept cool by mechanical refrigeration or ice. It can also include continuous flow systems needed to keep certain organisms such as lobster and crab alive until they are unloaded. Fish hold effluent is the water discharged from fish holds.

“Fouling organisms” means any aquatic flora and/or fauna that attach to, associate with, and/or grow on or in the vessel.

“Graywater” means galley, bath, and shower water, as well as wastewater from lavatory sinks, laundry, and water fountains. *[modified from 40 CFR § 1700.4 but removed shop sinks]*

“In port” means, for the purposes of this permit, anchored, moored, or otherwise secured while located in waters subject to this permit that are inside the baseline of the U.S. territorial sea.

“Major conversion” means a conversion of a vessel, that—

- substantially alters the dimensions or carrying capacity of the vessel;
- changes the type of the vessel; or
- the intent of which, in the opinion of the director, is substantially to prolong its life. *[modified from 33 CFR § 151.05 with the exception language specific to MARPOL removed]*

“Mile” means nautical mile as used in this permit, or 6076.1 feet or 1.852 kilometers.

“Minimally toxic” means a substance must pass both OECD 201, 202, and 203 for acute toxicity testing, and OECD 210 and 211 for chronic toxicity testing. For purposes of the sVGP, equivalent toxicity data for marine species, including methods ISO/DIS 10253 for algae, ISO TC147/SC5/W62 for crustacean, and OSPAR 2005 for fish, may be substituted for OECD 201, 202, and 203. If a substance is evaluated for the formulation and main constituents, the median lethal concentration (LC₅₀) of fluids must be at least 100 mg/L and the LC₅₀ of greases, two-stroke oils, and all other total loss lubricants must be at least 1000 mg/L. If a substance is evaluated for each constituent substance, rather than the complete formulation and main compounds, then constituents comprising less than 20 percent of fluids can have an LC₅₀ between 10-100 mg/L or a no observed effect concentration (NOEC) between 1-10 mg/L, constituents comprising less than 5 percent of fluids can have an LC₅₀ between 1-10 mg/L or a NOEC between 0.1-1 mg/L, and constituents comprising less than 1 percent of fluids can have an LC₅₀ less than 1 mg/L or a NOEC between 0-0.1 mg/L.

“Minimally toxic soaps, cleaners, and detergents” means any substance or mixture of substances that has an acute aquatic toxicity value (LE50) corresponding to a concentration greater than 10 ppm and does not produce “byproducts” with an acute aquatic toxicity value

(LE50) less than 10 ppm. EPA expects that minimally toxic soaps, cleaners, and detergents will contain little to no nonylphenols.

“Minimize” means to reduce and/or eliminate to the extent achievable using control measures (including BMPs) that are technologically available and economically practicable and achievable in light of best marine practice.

“Not bioaccumulative” means -

- the partition coefficient in the marine environment is $\log KOW < 3$ or > 7 using test methods OECD 117 and 107;
- molecular mass > 800 Daltons;
- molecular diameter > 1.5 nm;
- bioconcentration factor (BCF) or bioaccumulation factor (BAF) is < 100 L/kg, using OECD 305, OCSPP 850.1710, or OCSPP 850.1730, or a field-measured BAF; or
- polymer with molecular weight fraction below 1,000 g/mol is < 1 percent.

“Noxious liquid substances” (“NLS”) has the same meaning given that term by 33 CFR Part 151, Subpart A.

“Oil” means oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. [source: 33 CFR § 154.105]

“Oil in quantities that may be harmful” means any discharge of oil having the effects identified in 40 CFR § 110.3, provided that this term does not include those discharges specified in 40 CFR §§ 110.5(a) – (c).

“Oily mixture” means a mixture, in any form, with any oil content, including, but not limited to: (1) slops from bilges, (2) slops from oil cargoes (such as cargo tank washings, oily waste, and oily refuse, (3) oil residue, and (4) oily ballast water from cargo or fuel oil tanks. [source: 33 CFR § 151.05]

“Owner or operator” and “owner/operator” mean the owner or operator of any facility or activity subject to regulation under the NPDES program. For purposes of this permit, an “owner/operator” means a party, including a charterer by demise, who:

- (1) has operational control over vessel activities, including the ability to modify those activities; or
- (2) has day-to-day operational control of those activities that are necessary to ensure compliance with the permit or to direct workers to carry out activities required to comply with the permit.

“Person” means an individual, association, partnership, corporation, municipality, state or federal agency, or an agent or employee thereof. [source: 40 CFR § 122.2]

“Phosphate free” soaps, cleaners, and detergents means these materials that contain, by weight, 0.5 percent or less of phosphates or derivatives of phosphates.

“Port” see “In port.”

“Recreational vessel” means any “vessel” that is either (1) manufactured or used primarily for pleasure or (2) leased, rented, or chartered to a person for the pleasure of that person. The term does not include a vessel that is both subject to Coast Guard inspection and either (1) engaged in commercial use or (2) carries paying passengers. *[source: 33 U.S.C. 1362(25)]*

“Seafood processing” means the conversion of aquatic animals from a raw to marketable form that involves more than evisceration of fish or other seafood at sea.

“Sewage from vessels” means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes that are discharged from vessels, except that with respect to commercial vessels (as that term is defined in Section 312(a)(10) of the CWA) on the Great Lakes; the term “sewage from vessels” also includes galley, bath, and shower water.

“Territorial sea” has the meaning assigned by section 502(8) of the Federal Water Pollution Control Act (33 U.S.C. 1362(8)).

“Toxic and hazardous materials” means, for purposes of the sVGP: any substance identified in 40 CFR § 116.4, any toxic pollutant identified in 40 CFR § 401.15, and any hazardous material as defined in 49 CFR § 171.8.

“United States” means the states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands. *[source: modified from 33 U.S.C. 1362(3)]*

“Vessel” means every description of watercraft or other artificial contrivance being used as a means of transportation on “waters subject to this permit.” *[modified from CWA § 312(a)]*

“Visible sheen” means a “silvery” or “metallic” sheen, gloss, or increased reflectivity; visual color; iridescence; or oil slick on the surface. *[source: 58 FR 12507]*.

“Waters subject to this permit” means “waters of the US” as defined in as 40 CFR § 122.2 and extends to the outer reach of the 3 mile territorial sea as defined in section 502(8) of the CWA, unless otherwise excluded from coverage by Part 7 of the permit.

“You” means the “owner” or “operator” of a permitted vessel.

6. EPA REGIONAL CONTACTS

An updated EPA regional contact list is maintained at <http://water.epa.gov/polwaste/npdes/vessels/Vessels-Contacts.cfm>.

Region 1 – CT, ME, MA, NH, RI, VT, and 10 Tribal Nations

5 Post Office Square, Suite 100
Mail Code OEP06-1
Boston, MA 02109-3912

Region 2 – NJ, NY, PR, VI, and 7 Tribal Nations

290 Broadway, 24th Floor
New York, NY 10007-1866

Region 3 – DE, DC, MD, PA, VA, WV

1650 Arch St
Philadelphia, PA 19103

Region 4 – AL, FL, GA, KY, MS, NC, SC, TN, and 2 Tribes

Atlanta Federal Center
61 Forsyth St SW
Atlanta, GA 30303-8960

Region 5 – IL, IN, MI, MN, OH, WI, and 35 Tribes

Ralph Metcalfe Federal Building
77 W Jackson Blvd
Chicago, IL 60604-3507

Region 6 – LA, AR, OK, NM, TX, and 65 Tribes

1445 Ross Ave, Suite 1200
Dallas, TX 75202-2733

Region 7 – IA, KS, MO, NE, and 9 Tribes

11201 Renner Boulevard
Lenexa, Kansas 66219

Region 8 - CO, MT, ND, SD, UT, WY, and 27 Tribal Nations

1595 Wynkoop St
Denver, CO 80202-1129

Region 9 – AZ, CA, HI, NV, and Pacific Islands

75 Hawthorne St
San Francisco, CA 94105-3901

Region 10 – AK, ID, OR, WA, and Native Tribes

1200 6th Ave, Suite 900
Seattle, WA 98101-11

7. STATE AND TRIBE SPECIFIC REQUIREMENTS

Permit conditions applicable to specific states, Indian Country, or territories, as added through the CWA Section 401 certification process, are provided below.

Section 401(d) of the CWA provides that any certification under the Act “shall set forth any effluent limitations and other limitations, and monitoring requirements” necessary to assure that any applicant for a federal license or permit will comply with any applicable CWA-based effluent limitations and other limitations, standards of performance, prohibitions, effluent standards, or pretreatment standards, and with any other appropriate requirements of state and tribal law. Section 401(d) further provides that such additional limitations and monitoring requirements “shall become a condition on any Federal license or permit subject to the provisions of this section.” Pursuant to section 401(d), EPA has attached those provisions provided by States and Tribes in their CWA § 401 certifications that constitute effluent or other limitations or monitoring requirements as enforceable conditions of this permit.²

The sVGP is effective in every state and Indian Country land except as otherwise noted below. States and Indian tribes that are not listed below have either certified without conditions or waived their right to certify.

The following states and tribes included additional permit requirements in their CWA § 401 certification:

7.1 Alaska

Alaska certified the sVGP with the following additional permit conditions:

7.1.1 For violations that occur within state waters, permittees shall notify and provide the Department of Environmental Conservation (DEC) electronic copies of any noncompliance reports required under 40 CFR § 122.44(i)(5).

7.1.2 All discharges authorized by the sVGP to waters of the United States extending to the three-mile demarcation of the territorial seas and inland or coastal waters of the state of Alaska shall not result in a violation of Alaska water quality criteria, found in 18 AAC 70, in the water body.

Rationale: Vessel operators must implement the BMPs in the sVGP to the degree necessary to ensure discharges comply with the applicable water quality criteria for the subject water body.

7.1.3 Permittees covered under the sVGP shall undertake immediate corrective actions to mitigate noncompliance or violations with any terms or conditions specified in this Section 401 certification. EPA's regulations of vessels under the sVGP shall not preclude DEC from regulating vessels or taking enforcement action authorized by Alaska law.

Rationale: EPA is the primary authority responsible for ensuring compliance with the EPA-issued sVGP. However, the Department does not waive its rights to regulate vessels and or take enforcement action in accordance with Alaska law.

² State 401 certification letters are available in the docket for today's permit which are available as PDFs by linking to EPA's website at: www.epa.gov/npdes/vessels.

- 7.1.4 Permittees must be aware of the status of the water bodies they are traveling through, specifically whether the water bodies are impaired and have, or do not have, an EPA- approved TMDL implementation plan prepared under CWA 303(d).

Rationale: The location of impaired waters of the United States must be known prior to the discharge activity. The permittees are responsible for identifying areas where discharges are prohibited, including accessing CWA 303(d) list of impaired waters or the state's most current Integrated Water Quality Monitoring and Assessment Report.

7.2 Arizona

Arizona certified the sVGP with the following additional permit conditions:

- 7.2.1 Discharges authorized by these general permits shall not:
- a. Violate Arizona's Surface Water Quality Standards (A.A.C. Title 18, Chapter 11, Article 1).
 - b. Contain a hazardous substance as defined in A.R.S. § 49-201(19). Additionally, the following wastes are prohibited from being discharged into waters of the state under this permit: sewage sludge, wastewater, used or spent oil, garbage or trash. In addition, A.A.C. R1-8-11-123(B) prohibits the discharge of human body wastes and the wastes from toilets and other receptacles intended to receive or retain wastes from a vessel to Lake Powell.
 - c. Contain oil, grease, or any other pollutant that floats as debris, foam, or scum; or that causes a film or iridescent appearance on the surface of the water; or that causes a deposit on a shoreline, bank, or aquatic vegetation. (A.A.C. R18-11-108(B)).
 - d. Contain suspended solids in quantities or concentrations that interfere with the treatment processes at the nearest downstream potable water treatment plant or substantially increase the cost of handling solids produced at the nearest downstream potable water treatment plant (A.A.C. R18-11-108(C)).
- 7.2.2 If ballast water receives chlorination treatment prior to discharge, the discharge must not exceed a maximum level of 19 ug/L of total residual chlorine (A.A.C. Title 18, Chapter 11, Article 1, Appendix A, Table 1).
- 7.2.3 This certification does not relieve the authorized permittee of the responsibility of obtaining any other permits or authorizations that may be required for this project or related activities from the Arizona Department of Environmental Quality (ADEQ) or any other agency.
- 7.2.4 To prevent the propagation and spread of invasive species to waters of the state, before transporting any watercraft or vessel to any waters located within or bordering this state from waters or locations where aquatic invasive species are suspected or known to be present, permittees shall comply with the *Vessel Decontamination Best Management Practices* that follow (A.R.S. § 49-203(A)(7)).

Vessel Decontamination BMPs

- a. Short-term Day-use Boaters - One to five (1-5) days on the water:
 - i. CLEAN the hull and remove any clinging materials.
 - ii. DRAIN (remove the bilge plug) the water from the engine, bilge, livewell(s), etc.
 - iii. DRY the whole boat and equipment.
 - iv. If possible, TREAT any standing water (in bilge, bottom of boat) or other boat surfaces with vinegar.
- b. Long-term Moored Boats (e.g. in marinas)-more than five (5) days on the water:
 - i. CLEAN, DRAIN (remove the bilge plug) and DRY.
 - ii. REMOVE all attached mussels.

- iii. DESICCATE the boat. Keep the boat out of the water for a minimum of seven (7) days in the spring, summer, and fall, and a minimum of 18 days in the winter to kill all hidden quagga mussels.

Additional information regarding these BMPs related to the control of invasive aquatic species can be found at: www.azgfd.gov/mussels or by contacting the Arizona Game and Fish Department.

7.3 Arkansas

Arkansas certified the sVGP with the following additional permit conditions:

- 7.3.1 If a discharger has any violation of any effluent limit in the sVGP, they must document the violation and notify the Department by telephone within 24 hours (501-682-0640) and by written notice within three days of identification of the violation. They must report the following items to the Department:
 - a. A description of the violation,
 - b. Date of the violation,
 - c. Estimated volume of discharge involved in violation,
 - d. Location at time of violation,
 - e. Description of any corrective actions that are planned,
 - f. Identification of any hazardous substances, if known to be present.
- 7.3.2 All uncontained spills not covered by the sVGP of more than one gallon liquid or four pounds dry weight must be reported to the Water Division Enforcement Branch of ADEQ within 24 hours by telephone (501-682-0640) and by written notice within 3 days. Dischargers are responsible for the cost of cleanups resulting from spills by their operations.
- 7.3.3 This Department does not support coverage under the sVGP in Ecologically Sensitive Waters (ESWs) and Natural and Scenic Waterways (NSWs), as designated in Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 2.

7.4 Bad River Band of Lake Superior Tribe of Chippewa Indians

The Bad River Band of Lake Superior Tribe of Chippewa Indians certified the sVGP with the following additional permit conditions:

- 7.4.1 Only those activities specifically authorized by the sVGP are authorized by this Certification. This Certification does not authorize impacts to cultural properties, or historical sites, or properties that may be eligible for listing as such. (Bad River Band of Lake Superior Tribe of Chippewa Indians Water Quality Standards adopted by Resolution No. 7-6-11-441 (hereafter, Tribe's WQS); 36 C.F.R. § 800.16(l)(2).)
- 7.4.2 All projects that are eligible for coverage under the sVGP and are located within the exterior boundaries of the Bad River Reservation shall be implemented in such a manner that is consistent with the tribe's water quality standards (WQS). (Bad River Band of Lake Superior Tribe of Chippewa Indians Water Quality Standards adopted by Resolution No. 7-6-11-441 (hereafter, Tribe's WQS).
- 7.4.3 All vessels that are eligible for coverage under the sVGP within the exterior boundaries of the Bad River Reservation must comply with the Bad River Band Sloughs Protection Ordinance, or Chapter 340 of the Bad River Tribal Ordinances. Questions regarding Chapter 340 can be directed to the tribe's Natural Resources Department at (715) 682-7123.
- 7.4.4 An owner or operator of a vessel, which is eligible for coverage under the sVGP, that would result in an allowable discharge under the sVGP occurring within the exterior boundaries of the Bad River Reservation, must notify the tribe of coverage under the sVGP. (Bad River Band of Lake Superior Tribe of Chippewa

Indians Water Quality Standards adopted by Resolution No. 7-6-11-441 (hereafter, Tribe's WQS).) An owner or operator must submit a copy of the PARI Form to the following address prior to the commencement of coverage under the sVGP:

Bad River Tribe's Natural Resources Department
Attn: Water Resources Specialist
P.O. Box 39
Odanah, WI 54861

- 7.4.5 Graywater discharges in Outstanding Tribal Resource Water (or Tier 3 water) are not authorized under the sVGP. (Tribe's WQS: See provisions E.3.ii. and E.4.iv.) Outstanding Tribal Resource Waters, or Tier 3 waters, include the following: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River. (Tribe's WQS: See provision E.2.iii.)
- 7.4.6 Any spill of oil or other harmful chemicals that is discharged in a quantity that exceeds criteria contained in the tribe's WQS must be reported within 48 hours to the Bad River Natural Resources Department at (715) 682-7123. (Bad River Band of Lake Superior Tribe of Chippewa Indians Water Quality Standards adopted by Resolution No. 7-6-11-441.)
- 7.4.7 A copy of the annual noncompliance report must be submitted to the following address at the same time it is submitted to the U.S. EPA:

Bad River Tribe's Natural Resources Department
Attn: Water Resources Specialist
P.O. Box 39
Odanah, WI 54861

7.5 California

California certified the sVGP with the following additional permit conditions:

This Certification includes Attachments 1-3.³ Following is a description of these attachments:

- Attachment 1 – Signatory Requirements
- Attachment 2 – List of Chemical Names and Common Names for Hazardous Wastes and Hazardous Materials from title 22, chapter 11, appendix X of the California Code of Regulations
- Attachment 3 – Effluent Limitations Based on Narrative Objectives in the California Ocean Plan Basin Plans

- 7.5.1 All discharges shall be minimized to the extent practicable in State Water Quality Protection Areas as defined in the Public Resources Code, sections 36700 - 36900 inclusive, and the California Ocean Plan. (Auth: Pub. Resources Code, § 36710. This condition cannot be made less stringent without violating the requirements of state law, including WQS.)
- 7.5.2 If the ballast water receives chlorination treatment, the discharge to the ocean shall not exceed a maximum level of 60 micrograms per liter (μL) of total residual chlorine, and if the discharge is to enclosed bays and inland waters, then it shall not exceed a maximum level of 19 $\mu\text{g/L}$ of total residual chlorine. (The Gold Book, U.S. EPA 440/5-86-001, May 1986) (Auth: See generally, statewide and regional water quality

³ These attachments are available as a PDF file with California's 401 certification letter. This information is available by linking to EPA's website at: www.epa.gov/npdes/vessels.

- control plans [Basin Plans]; 33 U.S.C. § 1313; Wat. Code, §§ 13140, 13240, 13377; Cal. Code Regs., tit. 23, § 2235.2. This condition cannot be made less stringent without violating the requirements of state law, including WQS.)
- 7.5.3 None of the discharges permitted by the sVGP may contain hazardous waste as defined in the California Code of Regulations, title 22, section 66261 and Water Code section 13173, as well as hazardous substances listed in Attachment 2 of this document which includes bilgewater. Additionally, the following wastes are prohibited from being discharged into waters of the state: sewage sludge, used or spent oil, and garbage or trash (including plastic). By signing USEPA's PARI Form, the vessel owner/operator certifies that hazardous wastes as defined under California law, and prohibited wastes, will not be discharged from covered vessel or vessels. (Auth: See generally, statewide and regional water quality control plans; 33 U.S.C. § 1313; Pub. Resources Code, § 72420.2; Wat. Code, §§ 13140, 13173, 13240, 13267, 13383; Cal. Code Regs., tit. 22, § 66261. This condition cannot be made less stringent without violating the requirements of state law, including WQS.)
- 7.5.4 Vessel discharges shall comply with all requirements set forth in all applicable statewide water quality control plans and policies, and regional water quality control plans. Attachment 3 lists the effluent limitations based on narrative water quality objectives that shall be met in the receiving water. (Auth: See generally, statewide and regional water quality control plans; 33 U.S.C. § 1313; Wat. Code, §§ 13140, 13240. This condition cannot be made less stringent without violating the requirements of state law, including WQS.)
- 7.5.5 Owners/operators of vessels subject to the sVGP shall comply with California Fish and Game Code section 2301, regarding dreissenid mussels (e.g. quagga and zebra mussels). Owner/operators shall submit to inspections by the California Department of Fish and Game at launch ramps or at any other location around the state to prevent the transportation of the dreissenid mussels. If owner/operators of vessels discover dreissenid mussels within California water bodies, that discovery shall be immediately reported to the California Department of Fish and Game. (Auth: Fish & G. Code, § 2300 et seq. This condition cannot be made less stringent without violating the requirements of state law, including WQS.)
- 7.5.6 There shall be no oily sheen from any discharge, and oil and grease shall not exceed 15 milligrams per liter (mg/L) from any discharge. (Auth: See generally, statewide and regional water quality control plans; 33 U.S.C. § 1313; Wat. Code, §§ 13140, 13240. This condition cannot be made less stringent without violating the requirements of state law, including WQS.)
- 7.5.7 Detergents shall not be used to disperse hydrocarbon sheens in any waste streams. To ensure this practice is implemented for all state waters, and additionally to protect drinking water sources in the Sacramento and San Joaquin Delta, methylene blue active substances (MBAS) are not to exceed 0.5 mg/L in any waste streams being discharged, applicable to all waterbodies (Auth: See generally, statewide and regional water quality control plans; 33 U.S.C. § 1313; Wat. Code §§ 13140, 13240. This condition cannot be made less stringent without violating the requirements of state law, including WQS.)
- 7.5.8 Allowance for emergency conditions: In the case of a sudden unexpected situation that involves a clear and imminent danger to life, health or property, the requirements of this Certification are suspended to the extent that those requirements would otherwise be violated. Any suspension of the requirements of this Certification is only permitted as long as the emergency conditions persist. In such cases the vessel owner/operator shall report to State Water Board staff the emergency conditions requiring the violation of Certification conditions, the specific conditions that were violated, the duration of the violation, and nature of discharges during that emergency period and the location of the emergency discharge. This report shall be transmitted to the State Water Board staff within 24 hours after the emergency conditions cease (see Attachment 1). In the event that the State Water Board staff determines that the circumstances do not constitute an emergency, the State Water Board may seek appropriate investigatory or enforcement action pursuant to Administrative Condition 7.5.9 below. (Auth: Pub. Resources Code, § 21080; Wat. Code, §

1058; Cal. Code Regs., tit. 14, § 15359. This condition cannot be made less stringent without violating the requirements of state law, including WQS.)

Submit report electronically to: calvgp_cert@waterboards.ca.gov

ADMINISTRATIVE CONDITIONS:

7.5.9 In response to a suspected violation of any condition of this Certification, the State Water Board may require a vessel owner/operator to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. (Auth: Wat. Code, §§ 13267, 13383. This condition cannot be made less stringent without violating the requirements of state law, including WQS.)

7.6 Connecticut

Connecticut certified the sVGP with the following additional permit conditions:

GENERAL CONDITIONS

7.6.1 Any vessel that discharges or intends to discharge into Connecticut waters under the sVGP must submit to the Department of Energy and Environmental Protection (DEEP) a copy of the PARI Form submitted to EPA. This condition is necessary for compliance with Connecticut General Statute (CGS) sections 22a-430, 22a-430b, and 22a-430c. The preferred method of submission is via electronic mail to dep.webmaster@ct.gov sent to the attention of the Director of Water Permitting and Enforcement. Submissions made via standard mail shall be directed to:

The Director of Water Permitting and Enforcement
Bureau of Materials Management and Compliance Assurance
Department of Energy and Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127

7.6.2 The operator of any vessel covered under the sVGP who by accident, negligence, or otherwise causes the discharge, spillage, uncontrolled loss, seepage or filtration of oil or petroleum or chemical liquids or solid, liquid or gaseous products; or hazardous wastes that poses a potential threat to human health or the environment, shall immediately report to DEEP by telephone at 860-424-3338 or 866-337-7745. This condition is necessary for compliance with CGS section 22a-450.⁴

7.6.3 All work and activities conducted by the permittee in accordance with the sVGP shall be consistent with the terms and conditions of this certification. Any regulated activities carried out in a manner inconsistent with the conditions set forth herein or inconsistent with the requirements specified in the sVGP, which are not more stringently conditioned under this certification, constitute a violation of this certification pursuant to 40 CFR § 124.53(e)(1), and all instances of noncompliance with this certification must be immediately reported to DEEP pursuant to CGS section 22a-450 as set forth in General Condition 7.6.2 above.

7.6.4 All vessels covered by the sVGP shall minimize point and non-point sources of phosphorus, nitrogen, and alkylphenol ethoxylates, which have the potential to contribute to the impairment of any Connecticut surface water. The loading of nutrients, principally phosphorus and nitrogen, to any surface water body shall not exceed that which supports maintenance or attainment of designated uses. This condition is necessary to restore impaired waters, and prevent excessive anthropogenic inputs of nutrients or

⁴ For additional information see the webpage to Report an Environmental Concern or Problem at www.ct.gov/dep.

impairment of downstream waters in compliance with Standards 1, 2, and 19 of the Connecticut (CT) WQS.⁵

- 7.6.5 Use of BMPs and other reasonable controls is preferable to the use of biocides. This condition is necessary for compliance with Standards 1, 2, and 20 of the CT WQS.

SPECIFIC CONDITIONS

- 7.6.6 Discharge of treated or untreated bilgewater into Connecticut waters from any vessel covered under the sVGP is prohibited. This condition is necessary for compliance with CGS section 22a-427, Standards No. 1, 2, 9, 12, 14, 15, and 24 of the CT WQS, and EPA designation of Connecticut coastal waters as No Discharge Areas (NDAs) pursuant to 33 USC § 1322(f)(3).⁶ This condition does not apply to the discharge of bilgewater if the master of the vessel determines that compliance with this condition would threaten the safety or stability of the vessel, its crew, or its passengers because of adverse weather, equipment failure, or any other relevant condition.
- 7.6.7 Discharge of treated or untreated graywater into Connecticut waters from any vessel covered under the sVGP is prohibited. This condition is necessary for compliance with CGS section 22a-427, Standards No. 1, 2, 9, 12, 14, 15, and 24 of the CT WQS, and EPA designation of Connecticut coastal waters as NDAs pursuant to 33 USC § 1322(f)(3).⁷
- 7.6.8 The discharge of wastewaters from pressure washing the bottom of vessels and any point source or non-point source pollution from spillage, sanding, sand blasting, or scraping vessels into Connecticut waters from any vessel covered under the sVGP is prohibited. This condition is necessary for compliance with CGS section 22a-430 or 22a-430b and Standards No. 1, 2, 12, 14, and 15 of the CT WQS.⁸
- 7.6.9 Discharge of exhaust gas scrubber washwater into Connecticut waters from any vessel covered under the sVGP is prohibited. This condition is necessary for compliance with CGS section 22a-427, Standards No. 1, 2, 9, 12, 14, 15, and 24 of the CT WQS.
- 7.6.10 Discharges containing polychlorinated biphenyls (PCBs) into Connecticut waters from any vessel covered under the sVGP are prohibited. This condition is necessary for compliance with CGS section 22a-427, Standards No. 1, 2, 9, 12, 14, and 15 of the CT WQS.
- 7.6.11 Discharge of fish hold effluent from any vessel covered under the sVGP is prohibited in open waters of Connecticut's Long Island Sound. This condition is necessary for compliance with CGS section 22a-430 or 22a-430b and Standards No. 1, 2, 9 12, and 15 of the CT WQS.
- 7.6.12 Any discharge from any vessel covered under the sVGP that results in the further degradation of the chemical, physical, or biological integrity of Connecticut waters classified as Impaired Waters in the most

⁵ As identified in Part 2 of the sVGP the term “minimize” means reduce and/or eliminate to the extent achievable using control measures (including BMPs) that are technologically available and economically practicable and achievable in light of best marine practice.

⁶ Standard No. 24 of the CT WQS specifies the discharge of sewage from any vessel to any water is prohibited. “Sewage” as defined in CGS section 22a-423 includes bilgewater, which is a domestic or manufacturing waste that may tend to be detrimental to the public health. The term “bilgewater” is defined in Part 5 of the sVGP.

⁷ Standard No. 24 of the CT WQS specifies the discharge of sewage from any vessel to any water is prohibited. “Sewage” as defined in CGS section 22a-423 includes graywater, which is a domestic or manufacturing waste that may tend to be detrimental to the public health. The term “graywater” is defined in Part 5 of the sVGP.

⁸ “Point Source” and “Non-point Source” pollution are defined in Appendix A of the CT WQS.

recent State of Connecticut Integrated Water Quality Report to Congress is prohibited. This condition is necessary for compliance with Standard 1 of the CT WQS.⁹

7.6.13 Discharges to impaired waters in Connecticut shall be consistent with the requirements of the sVGP and with the following to comply with Standard 1 of the CT WQS:

Waterbody	Contaminant	Requirement
Long Island Sound, connected harbors, embayments and tidal rivers and waterbodies	Nitrogen and other substances with a high biological or chemical oxygen demand that when discharged could result in a decrease in the amount of dissolved oxygen in the receiving water body	Eliminate the discharge of such substances or minimize discharge of these substances to the greatest extent practicable if discharge is unavoidable
Within Long Island Sound, waters between the 50 ft bathymetric contour and the Connecticut coastline	Bacteria	Fecal coliform: Geometric Mean less than 14 CFU/100 ml with 90% of samples less than 31 CFU/100 ml
		Enterococci: Geometric Mean less than 35 CFU/100 ml with no single sample exceeding 104 CFU/100 ml

7.6.14 All vessels entering Connecticut waters must maintain the ability to measure salinity levels in each ballast water tank onboard the vessel so that salinities between 20 and 25 parts per thousand (“ppt”) can be ensured for ballast exchange in marine waters and salinities between 0 and 5 ppt can be ensured for ballast exchange in fresh waters. This condition is necessary to meet Standards No. 1, 2, and 12 of the CT WQS.

7.7 Georgia

Georgia certified the sVGP with the following additional permit conditions:

7.7.1 All discharges from vessels covered by these permits will be conducted in a manner so as not to violate Georgia’s WQS.

7.7.2 Except for ocean going vessels of 20 tons displacement or more, the discharge of graywater shall be through a marine sanitation device that is in compliance with the federal standards of performance and regulations for marine sanitation devices promulgated pursuant to Section 312 of the CWA. Georgia Department of Natural Resources (DNR) or Environmental Protection Division (EPD) personnel, or other duly authorized agents, shall have access to any vessel at reasonable times for the purposes of determining compliance with these rules. Georgia Rules for Water Quality Control, 391-3-6-.04.

7.8 Hawaii

Hawaii certified the sVGP with the following additional permit conditions:

⁹ The most recent state of Connecticut Integrated Water Quality Report containing the updated Connecticut Impaired Waters List may be obtained at the Water Quality Monitoring Program webpage at www.ct.gov/dep.

7.8.1 Coverage of this Conditional Water Quality Certification (WQC)

- a) Discharges incidental to the normal operation of a vessel are covered under this conditional Section 401 WQC unless they are listed in § 1.5 of the sVGP. Discharges incidental to the normal operation of a vessel, when operating as a means of transportation, include, but are not limited to:

- (1) Anti-foulant hull coating leachate
- (2) Bilgewater
- (3) Deck runoff
- (4) Fish hold effluent
- (5) Graywater
- (6) Non-contact engine cooling water
- (7) Packing gland effluent
- (8) Underwater hull husbandry.

For the purposes of the sVGP, not all vessel discharges are considered incidental to the normal operation of a vessel (e.g., industrial discharges).

- b) Vessel discharges not eligible for coverage under this conditional Section 401 WQC include:

- (1) Vessel discharges not incidental to the normal operation of a vessel
- (2) Sewage
- (3) Used or spent oil
- (4) Garbage or trash
- (5) Tetrachloroethylene (Perchloroethylene) degreasers and other products
- (6) Discharges currently or previously covered by another NPDES permit.

- c) Geographical Area Exclusions:

Discharges from a vessel eligible for coverage under the proposed sVGP may submit an individual Application to the Clean Water Branch (CWB), Department of Health (DOH), for review, processing, and consideration for an individual Section 401 WQC if the proposed discharges will enter the following waterbodies:

- (1) (A) Natural freshwater lakes, saline lakes, and anchialine pools will be maintained in the natural state through Hawaii's "no discharge" policy for these waters. Waste discharge into these waters is prohibited. (see Hawaii Administrative Rules (HAR), paragraph 11-54-3 (b) (1)). [HAR, Paragraph 11-54-5.2]

(B) It is the objective of Inland Class 1 waters that these waters remain in their natural state as nearly as possible with an absolute minimum of pollution from any human-caused source. To the extent possible, the wilderness character of these areas shall be protected. Waste discharge into these waters is prohibited. Any conduct that results in a demonstrable increase in levels of point or nonpoint source contamination in class 1 waters is prohibited. [HAR, Paragraph 11-54-3(b)(1)]

"Waste" means sewage, industrial and agricultural matter, and all other liquid, gaseous, or solid substance, including radioactive substance, whether treated or not, which may pollute or tend to pollute the waters of the state. [HRS, § 342 D-1]

- (2) Sewage, whether commingled with graywater or not, shall be disposed at pier side collection or treatment system or outside of estuaries or embayments. No new treated sewage discharges shall be permitted within estuaries. [HAR, Paragraph 11-54-3(b)(2)] No new sewage discharges will be permitted within embayments. [HAR, Paragraph 11-54-3(c)(2)]

- (3) No new industrial discharges shall be permitted within estuaries. [HAR, Paragraph 11-54-3(b)(2)]
No new industrial discharges shall be permitted within embayments. [HAR, Paragraph 11-54-3(c)(2)]

7.8.2 Terms of this conditional Section 401 WQC:

- a) This conditional Section 401 WQC for discharges eligible for coverage under EPA proposed sVGP as listed in item 7.8.1.a above, shall become effective on December 19, 2014.

These actions shall not preclude the DOH from taking appropriate enforcement action authorized by law.

Written notification by the Director under this section is complete upon mailing or sending a facsimile or an email transmission of the document or actual receipt of the document by the “owner” or “operator” of the vessel.

- b) The “owner” or “operator” of a vessel shall comply with all conditions and requirements specified in the proposed sVGP. All terms, requirements, limitations, and restrictions specified in this conditional Section 401 shall constitute as Part 7 of the proposed sVGP conditions and shall be primarily enforced by the EPA, Region 9, through the compliance of the proposed sVGP. DOH reserves the right to take appropriate enforcement action authorized by law.

7.8.3 Validation of this conditional Section 401 WQC coverage

Vessel “owner” or “operator” must complete the PARI form available in Appendix A of the sVGP and retain it on board their vessel. Completion of this form provides written certification that the vessel “owner” or “operator” has read and understood the terms of the sVGP, including the requirements contained in this conditional Section 401 WQC as specified in Part 7 of the sVGP. Part IV of the PARI Form also provides written certification that the vessel “owner” or “operator” has conducted the required quarterly visual inspections found in Part 3 of the permit.

All vessels eligible for coverage will receive coverage starting on December 19, 2014, provided vessel “owner” or “operator” has signed the sVGP PARI Form and maintain a copy on board the vessel.

7.8.4 “Owner” or “operator” of the vessel eligible for coverage under sVGP shall conduct the required BMPs found in Part 2 of the sVGP and comply with the additional requirements as set forth in Parts 3 and 4 of the sVGP.

7.8.5 Pursuant to HAR, § 11-54-4(a), all waters shall be free of substances attributable to the discharge activities authorized under this conditional Section 401 WQC and EPA 2013 VGP, including:

- a) Materials that will settle to form objectionable sludge or bottom deposits.
- b) Floating debris, oil, grease, scum, or other floating materials.
- c) Substances in amounts sufficient to produce taste in the water or detectable off flavor in the flesh of fish; or in amounts sufficient to produce objectionable color, turbidity or other conditions in the receiving waters.
- d) High or low temperatures; biocides; pathogenic organisms; toxic, radioactive, corrosive, or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human, animal, plant, or aquatic life, or in amounts sufficient to interfere with any beneficial use of the water.
- e) Substances or conditions or combinations thereof in concentrations that produce undesirable aquatic life.
- f) Soil particles resulting from erosion on land involved in earthwork, such as the construction of public works; highways; subdivisions; recreational, commercial, or industrial developments; or the cultivation and management of agricultural lands.

An electronic copy of the HAR, Chapter 11-54 is available at:

<http://hawaii.gov/health/environmental/water/cleanwater/forms/wqc-index.html> or
<http://gen.doh.hawaii.gov/sites/har/admrules/default.aspx>.

- 7.8.6 Ballast water discharges from “Qualifying Vessels” shall also comply with the provisions of HAR, Chapter 13-76.

The term “Qualifying Vessels,” as defined in HAR, Section 13-76-12, means all vessels, United States or foreign flagged, carrying ballast water into state marine waters after operating outside the exclusive economic zone (EEZ).

The term "EEZ," as defined in HAR, Section 13-76-12, means the United States exclusive economic zone established by Presidential Proclamation No. 5030, dated March 10, 1983, which extends from the baseline of the territorial sea of the United States seaward 200 nautical miles, substantially as defined in federal law 33 CFR § 151.2025, dated July 1, 2005.

- 7.8.7 Discharges from “Commercial Passenger Vessels” shall comply with requirements specified in Hawaii Revised Statutes (HRS), Sections 342D-102, 342D-103, 342D-104, 342D-105 and 342-106 of PART VI of HRS, Chapter 342D titled "DISCHARGES FROM COMMERCIAL PASSENGER VESSELS."

“Commercial passenger vessel,” as defined in HRS, Section 342D-101, means a vessel that carries passengers for hire. The term does not include a vessel:

- (1) Authorized to carry fewer than fifty passengers;
- (2) That does not provide overnight accommodations for at least fifty passengers for hire, determined with reference to the number of lower berths and based on an average of two persons per cabin; or
- (3) Operated by the United States or a foreign government.

- 7.8.8 There shall be no net increase in loadings of pollutant of concerns (POC) attributable to vessel’s effluent discharges into water quality-limited segments as listed by the DOH under CWA, 303(d). POC information for each water body is included in 2008/2010 State of Hawaii Water Quality Monitoring and Assessment Report which is available at:
<http://hawaii.gov/health/environmental/water/cleanwater/integrated/index.html>.

- 7.8.9 Pursuant to HRS, Section 342D-8, the DOH-CWB may conduct routine inspection of vessel covered under this conditional Section 401 WQC, taking color photographs, and to sample any effluent discharges.

- 7.8.10 The discharge incidental to normal operation of commercial vessels and commercial fishing vessels permitted under the authorization of proposed sVGP shall not interfere with or become injurious to any assigned uses made of (designated uses, as defined in HAR, Section 11-54-1, and specified in HAR, Section 11-54-3), or presently in (existing uses, as defined in HAR, Section 11-54-1, and specified in HAR, Subsection 11-54-1.1), those waters.

- 7.8.11 It shall constitute a violation under HRS, Chapter 342D; HAR, Chapter 11-54; and this WQC if any discharges resulting from the activities authorized under the EPA sVGP, resulting in any noncompliance to terms, requirements, restrictions, or limitations as specified in this WQC. The DOH reserves the right to take enforcement actions authorized by law.

7.9 Idaho

Idaho certified the sVGP with the following additional permit conditions:

7.9.1 *Receiving Water Body Level of Protection*

All waters in Idaho that receive discharges from vessels will receive, at minimum, Tier 1 antidegradation protection because Idaho's antidegradation policy applies to all state waters. Water bodies that fully support

their aquatic life or recreational uses are considered to be “high quality waters” and will receive Tier 2 antidegradation protection. For waters that have not yet been assessed, DEQ must evaluate on a case-by-case basis whether to apply Tier 2 protections, in addition to Tier 1 protections. Although Idaho does not currently have any outstanding resource waters (ORWs) designated, it is possible that a water body could be designated as an ORW during the life of this permit. Because of this potential, this antidegradation review will also assess whether the permit complies with the outstanding resource water requirements (Tier 3) of Idaho's antidegradation policy.

7.9.2 *Protection and Maintenance of Existing Uses (Tier 1 Protection)*

As noted above, a Tier 1 review is performed for all new or reissued permits or licenses, applies to all waters subject to the jurisdiction of the CWA, and requires a showing that existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected. In order to protect and maintain designated and existing beneficial uses, a permitted discharge must comply with narrative and numeric criteria of the Idaho WQS, as well as other provisions of the WQS such as Section 055, which addresses water quality limited waters.

Water bodies not supporting existing or designated beneficial uses must be identified as water quality limited, and a TMDL must be prepared for those pollutants causing impairment. A central purpose of TMDLs is to establish wasteload allocations for point source discharges, which are set at levels designed to help restore the water body to a condition that supports existing and designated beneficial uses. Discharge permits must contain limitations that are consistent with WLAs in the approved TMDL. A permit with effluent limitations consistent with TMDL WLAs will provide the level of water quality necessary to support existing and designated uses and therefore satisfies Tier 1 antidegradation requirements.

Currently, there are no TMDLs in the state of Idaho that contain WLAs for discharges from vessels. Furthermore, EPA has determined that numeric effluent limits for discharges authorized under the sVGP are impracticable to calculate due to the varied nature of discharges from vessels, therefore non-numeric effluent limits contained in both permits speak to BMPs for dischargers to comply with. DEQ has reviewed the BMPs and has added further conditions on discharges to water bodies that are expected to receive discharges from vessels and are currently not meeting Idaho WQS.

Idaho state law prohibits discharges of graywater and/or sewage/graywater mixtures in certain regions, which are otherwise authorized under this general permit (see “Conditions” section).

The limitations and associated requirements in the 2013 sVGP, coupled with other applicable state laws, and the conditions set forth in this certification, provide DEQ reasonable assurance of compliance with IDAPA 58.01.02.051.01 and 58.01.02.052.07.

7.9.3 *Protection of High-Quality Waters (Tier 2 Protection)*

As indicated previously, water bodies that fully support their beneficial uses will be provided Tier 2 protection. As such, the quality of these waters must be maintained and protected, unless it is deemed necessary to accommodate important economic or social development. For a reissued permit or license, the effect on water quality is determined by looking at the difference in water quality that would result from the activity or discharge as authorized in the current permit and the water quality that would result from the activity or discharge as proposed in the reissued permit or license (IDAPA 58.01.02.052.06.a). For a new permit or license, the effect on water quality is determined by reviewing the difference between the existing receiving water quality and the water quality that would result from the activity or discharge as proposed in the new permit or license (IDAPA 58.01.02.052.06.a).

With respect to vessels currently operating in Idaho and discharging to waters of the state, DEQ believes that as long as discharges are not increasing, there will be no degradation or adverse change in water

quality because the new permits are more stringent than the previous permits. New or increased discharges however, must be evaluated on a case-by-case basis.

As a condition of this certification, DEQ is requiring that owners/operators of vessels proposing to increase their discharges or number of vessels in their fleet, or those who are seeking coverage under the sVGP for the first time, contact the appropriate DEQ Regional Office (Table 7.9.2) to determine whether additional controls are necessary in order to ensure that high quality waters are not degraded. This condition shall ensure compliance with Idaho's Tier 2 antidegradation requirements.

In sum, as long as the vessel operators comply with the terms of the NPDES permit and § 401 certification, then there is reasonable assurance that existing and designated beneficial uses will be protected and maintained, and there will be no degradation or adverse change in water quality as required under IDAPA 58.01.02.051.02 and IDAPA 58.01.02.052.06.

7.9.4 *Protection of Outstanding Resource Waters (Tier 3 Protection)*

Idaho's antidegradation policy requires that the quality of outstanding resource waters be maintained and protected from the impacts of point source discharges. No water bodies in Idaho have been designated as outstanding resource waters to date; however, it is possible that waters may become designated during the term of these permits. Because of this possibility, DEQ has evaluated whether the proposed draft sVGP comply with the ORW antidegradation provision.

As a condition of this certification, DEQ is requiring any applicant proposing to discharge to an ORW, under either permit, to obtain an individual NPDES permit from EPA. This requirement complies with Idaho's antidegradation provisions concerning ORWs (IDAPA 58.01.02.052.09).

7.9.5 *Permittee Responsibility*

Owners and operators of vessels covered by the sVGP are responsible for knowing the current support status of the waters in which they operate on and may discharge to. The most current EPA-approved Integrated Report (IR) must be used to determine the support status of the affected water body and can be found online: <http://www.deg.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report.aspx>.

DEQ's webpage also has a link to the state's map-based IR which presents information from the IR in a searchable, map-based format: <http://mapcase.deg.idaho.gov/wg2010/>.

The information provided in Table 7.9.1 (below) is based on the 2010 IR and is subject to change. As previously stated, discharges must not contain pollutants where the receiving water body is identified as "impaired" due to those pollutants (IDAPA 58.01.02.055.04).

Table 7.9.1. Water bodies expected to receive discharges from vessels, current support status (Integrated Report, 2010)

<i>Region</i>	<i>Water Body</i>	<i>HUC</i>	<i>Support Status</i>	<i>Pollutants of Concern</i>
Coeur d'Alene	Clark Fork River	17010213	Impaired	Cadmium, Copper, Zinc, Dissolved Gas Supersaturation, Temperature
	Coeur d'Alene Lake	17010303	Impaired	Cadmium, Lead, Zinc
	Kootenai River	17010104	Impaired	Temperature
	Lake Pend Oreille	17010214	Impaired	Mercury, Temperature, Dissolved Gas Supersaturation

	Pend Oreille River	17010214 17010216	Impaired	Temperature, Dissolved Gas Supersaturation
	Priest Lake	17010215	Unassessed	N/A
	Spokane River	17010305	Impaired	Cadmium, Lead, Zinc, Phosphorus
Lewiston	Clearwater River	17060304 17060306 17060308	Multiple Categories	Dissolved Gas Supersaturation, Sedimentation, Temperature
	Dworshak Reservoir	17060308	Unassessed	N/A

7.9.6 *Reporting New or Increased Discharges, or Increased Fleet Size, to Tier 2 (High-quality) Waters*

As a condition of this certification, DEQ is requiring that owners/operators of vessels proposing to increase their discharges or number of vessels in their fleet, or those who are seeking coverage under the sVGP for the first time, contact the appropriate DEQ Regional Office (Table 7.9.2) to determine whether additional controls are necessary in order to ensure that high quality waters are not degraded.

7.9.7 *Rules Prohibiting Discharges on Certain Water Bodies*

Owners and operators of vessels covered by these general permits must be aware of and comply with the Panhandle Health District Rules governing discharges from vessels. The discharge of graywater or a sewage/graywater mixture otherwise authorized under this general permit is prohibited in certain regions of the state pursuant to IDAPA 41.01.01.200.01(c). Those areas include Boundary, Bonner, Kootenai, Benewah, and Shoshone counties in Northern Idaho (IDAPA 41.01.01.200.01 *et seq.*).

7.9.8 *Reporting of Discharges Containing Hazardous Materials or Petroleum Products*

Any spill of hazardous materials must be immediately reported to the appropriate DEQ Regional Office (Table 7.9.2). Spills of petroleum products that exceed 25 gallons or that cause a visible sheen on nearby surface waters should be reported to DEQ within 24 hours. Petroleum product spills of less than 25 gallons or spills that do not cause a sheen on nearby surface waters shall be reported to DEQ if clean-up cannot be accomplished within 24 hours (IDAPA 58.01.02.850, 58.01.02.851, 58.01.02.852).

Table 7.9.2. DEQ Regional Office contact information

<i>Regional Office</i>	<i>Contact Name</i>	<i>Phone Number</i>	<i>Email</i>
Coeur d'Alene	June Bergquist	208-769-1422	june.bergquist@deq.idaho.gov
Lewiston	John Cardwell	208-799-4370	john.cardwell@deq.idaho.gov

Outside of regular business hours, qualified spills should be reported to the State Communications Center (1-800-632-8000 or 208-846-7610).

7.9.9 *Invasive Species*

Owners and operators of vessels covered by these general permits must be aware of and comply with the Idaho State Department of Agriculture Rules Governing Invasive Species (IDAPA 02.06.09).

7.10 Illinois

Illinois certified the sVGP with the following additional permit conditions:

- 7.10.1 Discharges of wastestreams containing Bioaccumulative Chemicals of Concern (BCC's) from vessel covered by the sVGP shall be consistent with the provisions of 35 Ill. Adm. Code 302.520, 302.521, and 302.530.
- 7.10.2 No effluent from any vessel covered by the sVGP shall contain settleable solids, floating debris, visible oil, grease, scum, or sludge solids pursuant to 35 Ill. Adm. Code 304.106. Color, odor, and turbidity must be reduced to below obvious levels, pursuant to 35 Ill. Adm. Code 304.106.
- 7.10.3 The discharge from any vessel covered by the sVGP shall be free from any substances or combination of substances in concentrations toxic or harmful to human health, or to animal, plant or aquatic life, pursuant to 35 Ill. Adm. Code 302.210, 302.410, and 302.540.
- 7.10.4 No bilge or ballast water from vessels covered by the sVGP which fails to meet the effluent standards of 35 Ill. Adm. Code Part 304 shall be discharged to waters of the State pursuant to 35 Ill. Adm. Code 308.103.
- 7.10.5 Any discharge of sewage from a vessel shall comply with 35 Ill. Adm. Code Part 308 - Disposal of Wastes from Watercraft.
- 7.10.6 The issuance of this certification pursuant to Section 401 of the CWA does not release any dischargers from responsibilities or liabilities for past or future violations of federal, state or local laws or regulations, nor does it release any potential dischargers from the responsibility of obtaining permits, including any from the Illinois EPA (IEPA), or other approvals from other units of government as may be required by law.
- 7.10.7 All discharges to waters of the state from vessels covered by the sVGP shall not cause a violation of Illinois WQS, as found at 35 Ill. Adm. Code Part 302 or effluent standards, as found at 35 Ill. Adm. Code Part 304.

7.11 Indiana

Indiana certified the sVGP with the following additional permit conditions:

- 7.11.1 Permittee shall allow the commissioner or an authorized representative of the commissioner (including an authorized contractor), upon the presentation of credentials.
 - a. to enter and inspect covered vessels;
 - b. to have access to and copy at reasonable times any records that must be kept under the conditions of this certification;
 - c. to inspect, at reasonable times, any monitoring or operational equipment or method; collection, treatment, pollution management, or discharge facility or device; practices required by this certification; and
 - d. to sample or monitor any discharge of pollutants from covered vessels.
- 7.11.2 This granting of WQC does not relieve the permittee from the responsibility of obtaining any other permits or authorizations that may be required for this project or related activities from the Indiana Department of Environmental Management (IDEM) or any other agency or person.
- 7.11.3 This certification does not:
 - a. Authorize impacts or activities outside the scope of this certification;
 - b. Authorize any injury to permittees or private property or invasion of other private rights, or any infringement of federal, state or local laws or regulations;
 - c. Convey any property rights of any sort, or any exclusive privileges; or

d. Preempt any duty to obtain federal, state or local permits or authorizations required by law.

7.11.4 The IDEM, for any vessel that qualifies under the terms and conditions of this certification, may choose to require an individual who if it determines that the vessel would have more than minimal impacts to water quality, either viewed individually or collectively with other activities that may affect the same waterbody.

7.11.5 Activities authorized by this general permit shall not violate or exceed Indiana's WQS at 327 IAC 2.

7.12 Iowa

Iowa certified the sVGP with the following additional permit conditions:

7.12.1 Permittee is responsible for securing and for compliance with such other permits or approvals as may be required by the Iowa Department of Natural Resources (IDNR), federal, state, or local governmental agencies for the project activities described.

7.12.2 All discharges to waters of the state of Iowa from vessels covered by the sVGP shall not cause a violation of Iowa WQS, as found at Iowa Administrative Code 567 Chapter 61.
<http://www.iowadnr.gov/InsideDNR/RegulatoryWater/WetlandsPermitting.aspx>

7.12.3 If the vessel discharges oil or hazardous substances in the water, immediately call the National Response Center at 1-800-424-8802 (or contact them through their website at: www.nrc.uscg.mil) and the IDNR Emergency Response Unit at 1-515-281-8694.

7.12.4 It is illegal for anglers to possess, introduce, purchase, sell, or transport aquatic invasive species in Iowa except when a species is being removed from watercraft or equipment, is caught and immediately killed or returned to the water from which it came, or is being transported in a sealed container for identification purposes. It is also illegal to introduce any live fish, except for hooked bait, into public waters.

7.12.5 Recreational vessels with installed toilets must have an operable marine sanitation device on board. All installed devices must be U.S. Coast Guard-certified.

7.13 Kansas

Kansas certified the sVGP with the following additional permit conditions:

The Permittee shall not cause or contribute to a violation of the following narrative Kansas Surface WQS [KAR 28-16-28E(B)]:

7.13.1 Surface waters shall be free, at all times, from the harmful effects of substances that originate from artificial sources of pollution and that produce any public health hazard, nuisance condition, or impairment of a designated use.

7.13.2 Hazardous materials derived from artificial sources, including toxic substances, radioactive isotopes, and infectious microorganisms derived directly or indirectly from point or nonpoint sources, shall not occur in surface waters at concentrations or in combinations that jeopardize the public health or the survival or well-being of livestock, domestic animals, terrestrial wildlife, or aquatic or semi-aquatic life.

7.13.3 Surface waters shall be free of all discarded solid materials, including trash, garbage, rubbish, offal, grass clippings, discarded building or construction materials, car bodies, tires, wire, and other unwanted or

discarded materials. The placement of stone and concrete rubble for bank stabilization shall be acceptable to the Department, if all other required permits are obtained before placement.

- 7.13.4 Surface waters shall be free of floating debris, scum, foam, froth, and other floating materials directly or indirectly attributable to artificial sources of pollution.
- 7.13.5 Oil and grease from artificial sources shall not cause any visible film or sheen to form upon the surface of the water or upon submerged substrate or adjoining shorelines, nor shall these materials cause a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.
- 7.13.6 Surface waters shall be free of deposits of sludge or fine solids attributable to artificial sources of pollution.
- 7.13.7 Taste-producing and odor-producing substances or artificial origin shall not occur in surface waters at concentrations that interfere with the production of potable water by conventional water treatment process, that impart an unpalatable flavor to edible aquatic or semi-aquatic life or terrestrial wildlife, or that result in noticeable odors in the vicinity of surface waters.
- 7.13.8 The natural appearance of surface waters shall not be altered by the addition of color-producing or turbidity-producing substances of artificial origin.

7.14 Maine

Maine certified the sVGP with the following additional permit conditions:

- 7.14.1 Draft permit generally. All the conditions set forth in the draft sVGP cannot be made less stringent without impairing Maine waters for their best usage. These conditions, or equally protective conditions, are needed to comply with the Maine State statutes and regulations indicated above. In accordance with 40 CFR § 124.53 (e)(3), this condition cannot be made less stringent and still comply with state WQS.
- 7.14.2 No vessel covered by the sVGP that is coated with a pesticide containing antifouling paint may conduct underwater hull cleaning except as part of emergency hull repairs necessary to secure the vessel or saving a life at sea. The Maine Department of Environmental Protection has determined that removal of biological growth, debris, or scrubbing the hull to reveal fresh antifouling coatings will invariably release pollutants at levels potentially toxic to the marine environment and cause violations of WQS.¹⁰

7.15 Michigan

Michigan certified the sVGP with the following additional permit conditions:

¹⁰ 38 MRSA § 420(2) and 38 MRSA § 465-B

- 7.15.1 Discharges of blackwater and graywater from vessels covered by the sVGP are prohibited to Michigan waters. (Part 95, Watercraft Pollution Control, of the Natural Resources and Environmental Protection Act (NREPA))
- 7.15.2 Vessel owners/operators shall immediately notify the Michigan Department of Environmental Quality (MDEQ) whenever they become aware that a discharge from their vessel causes or contributes to an exceedance of an applicable state WQS. (R 323.2189 of the Part 21 Rules of the NREPA)
- 7.15.3 Each condition in the proposed sVGP cannot be made less stringent without potentially violating the requirements of state law, including WQS. (Part 31 of the NREPA)
- 7.15.4 All discharges to Michigan waters from vessels covered by the U.S. EPA's sVGP are prohibited from causing or contributing to exceedances of the Michigan WQS (Part 4 Rules, Water Quality Standards, promulgated under Part 31 of the NREPA).

The contact point for consultation, submittals, and approvals as referred to in this certification is:

Chief, Water Resources Division
Michigan Department of Environmental Quality
P.O. Box 30458
Lansing, Michigan 48909-7958
Phone: 517-335-4176

7.16 Minnesota

Minnesota certified the sVGP with the following additional permit conditions:

- 7.16.1 The conditions in the draft sVGP cannot be made less stringent without violating WQS and other requirements of state law. See 40 CFR § 124.53 (e)(3). The Minnesota Pollution Control Agency (MPCA) has not identified any additional conditions that are needed to meet the requirements of either the CWA or Minnesota Rules, provided the conditions of the final sVGP are at least as stringent as the conditions of the draft sVGP.
- 7.16.2 The permittee shall report all instances of noncompliance with this certification as soon as possible, and in no case longer than 30 days of the discovery of the noncompliance (Minn. R.7001.0150, subp. 2[K][L]).

7.17 Missouri

Missouri certified the sVGP with the following additional permit conditions:

- 7.17.1 The permittee shall not cause or contribute to the general or numeric criteria to be exceeded nor impair beneficial uses established in the Water Quality Standards, 10 CSR 20-7.031.
- 7.17.2 Representatives from the Department shall be allowed to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the letters and conditions of the permit.
- 7.17.3 This certification shall not be construed or interpreted to imply the requirements for other permits are replaced or superseded. Any NPDES Permits, Land Disturbance General Permits, or other requirements shall be complied with.

7.18 Nebraska

Nebraska certified the sVGP with the following additional permit conditions:

7.18.1 Chapter 6, § 004 of Title 117- Nebraska's Surface Water Quality Standards, states that:

- “No discharge of wastewater from domestic, municipal, or industrial sources shall be allowed directly into lakes or impounded waters except:
- “004.01 Wastewater from sources authorized by NPDES permits to discharge to these waters prior to May 10, 1982 which have operated under active NPDES permits since then.
- “004.02 Noncontact cooling waters from sources authorized by NPDES permits to discharge to these waters.
- “004.03 Stormwater from sources authorized by NPDES permits to discharge to these waters.”

This precludes allowing discharges into lakes and reservoirs of greywater; bilge water, or any sewage commingled with any other discharge as described in the permits and in Federal Register Vol. 76, No. 236, pp 76716 through 76725. Vessels on these waters will need to discharge these wastewaters into sanitary dump stations that do not result in a discharge to lakes or impounded waters. Cooling water discharges are allowed. Use of these General Permits for vessels operating on streams of the state of Nebraska is acceptable.

7.19 New Hampshire

New Hampshire certified the sVGP with the following additional permit conditions:

7.19.1 Conditions Applicable to Coastal (Tidal) Waters

- a. In a Notice of Determination in the Federal Register dated September 27, 2005, the state of New Hampshire was granted permission by EPA for a No Discharge Area (NDA). The NDA consists of all tidal and estuarine waters, including all bays and rivers to the tidal dams, and all ocean waters within three nautical miles of the New Hampshire shoreline and Isles of Shoals. In the NDA, all boat sewage discharge (including graywater containing sewage), whether treated or untreated, is prohibited. For a brochure on New Hampshire’s Coastal Pumpout Program see http://des.nh.gov/organization/commissioner/pip/publications/wd/documents/no_discharge_area.pdf.
- b. Graywater without sewage should be discharged at pumpout facilities or beyond three nautical miles of the New Hampshire shoreline and the Isles of Shoals wherever feasible. This is infeasible at this time for vessels without holding tanks for graywater, but these vessels should plan to install such holding tanks during one of the next two scheduled dry docking events if such installation is technically feasible and would not jeopardize the safety of the vessel.
- c. Part 2.7 requires, among other things, the minimization of graywater discharges to waters in national wildlife refuges and waters with heavy recreational use. This part also states that vessels withholding tanks should hold and discharge graywater outside of these areas. Discharges of graywater should be avoided/minimized as appropriate in the waters of Great Bay, the location of the Great Bay National Wildlife Refuge. Further, for all practical purposes for this part, New Hampshire waters with heavy recreational use include all tidal rivers and tributaries, with the exception of the Piscataqua River east of the Interstate 95 Bridge, and within 150 feet of the shoreline of all other waters.
- d. Bilgewater may contain fuel, oil, paint chips and other pollutants associated with the cargo or processes occurring on the vessel. Part 2.3(i) requires among other things that your discharges be controlled as necessary to meet applicable WQS. The applicable WQS in New Hampshire are found in RSA 485-A:8 and the Surface Water Quality Regulations Env-Wq 1700, which are available at

<http://des.nh.gov/organization/comrmissioner/legal/rules/documents/envwq1700.pdf>. Vessel operators should pay particular attention to using all necessary management practices, treatment, and discharge methods to ensure that the surface waters near the vessel remain free from substances that would settle to form harmful deposits or float as foam, debris, scum, or other visible pollutants or otherwise violate the General Water Quality Criteria (see Env-Wq 1703.03) or the Minimum Criteria for Mixing Zones (see Env-Wq 1707.02). For discharges such as bilgewater that are likely to contain pollutants that are toxic to aquatic life, the management practices, treatment, and discharge methods must also ensure that the discharge does not cause the surface water in the vicinity of the discharge to contain “toxics in toxic amounts” (see Env-Wq 1703.21).

7.19.2 Conditions Applicable to Inland (Freshwater) Surface Waters

- a. The inland lakes of New Hampshire are NDAs for both sewage and graywater. See RSA 487:1-14 at <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-L-487.htm>. Information on pumpout facilities on Lake Winnepesaukee, Lake Sunapee and Squam Lake can be found at http://des.nh.gov/organization/commissioner/pip/publications/wd/documents/lakes_region_pumpout.pdf.
- b. Bilgewater may contain fuel, oil, paint chips and other pollutants associated with the cargo or processes occurring on the vessel. Part 2.3(i) requires among other things that your discharges be controlled as necessary to meet applicable WQS. The applicable WQS in New Hampshire are found in RSA 485-A:8 and the Surface Water Quality Regulations Env-Wq 1700, which are available at <http://des.nh.gov/organization/comrmissioner/legal/rules/documents/envwq1700.pdf>. Vessel operators should pay particular attention to using all necessary management practices, treatment, and discharge methods to ensure that the surface waters near the vessel remain free from substances that would settle to form harmful deposits or float as foam, debris, scum, or other visible pollutants or otherwise violate the General Water Quality Criteria (see Env-Wq 1703.03) or the Minimum Criteria for Mixing Zones (see Env-Wq 1707.02). For discharges such as bilgewater that are likely to contain pollutants that are toxic to aquatic life, the management practices, treatment, and discharge methods must also ensure that the discharge does not cause the surface water in the vicinity of the discharge to contain “toxics in toxic amounts” (see Env-Wq 1703.21).

7.20 North Carolina

North Carolina certified the sVGP with the following additional permit conditions:

- 7.20.1 This certification is valid only for those activities that fully comply with all terms and conditions of the NPDES sVGP and all other state laws applicable to such discharges.
- 7.20.2 Discharges that are not eligible for coverage under the sVGP that require an individual permit must also obtain an individual Water Quality Certification or waiver from the Division.
- 7.20.3 This general certification does not relieve the applicant/permittee of the responsibility to obtain all other required federal, state, or local approvals.
- 7.20.4 The applicant/permittee and their authorized agents shall conduct all activities in a manner consistent with state WQS (including any requirements resulting from compliance with § 303(d) of the CWA), the *Oil Pollution and Hazardous Substances Control Act of 1978* (Chapter 143 Article 21A) and any other appropriate requirements of state and federal law.

7.21 Oklahoma

Oklahoma certified the sVGP with the noted exception that the sVGP is not effective in the listed Oklahoma Outstanding Resource Waters.¹¹

7.22 Vermont

Vermont certified the sVGP with the following additional permit conditions:

- 7.22.1 The Vermont Department of Environmental Conservation (Department) certifies there is a reasonable assurance that discharges from vessels covered by EPA's sVGP will comply with the applicable provisions of 33 U.S.C §§ 1311, 1312, 1313, 1316, 1317 and 1341 (CWA §§ 301, 302, 303, 306, 307 and 401), and that permittees and their activities will not contravene applicable limitations, standards and other appropriate requirements of state law, provided the following conditions set forth in this certification are met.
- 7.22.2 The operator of any vessel covered under the sVGP who by accident, negligence, or otherwise causes the discharge, spillage, uncontrolled loss, seepage, or filtration of oil or petroleum or chemical liquids or solid, liquid or gaseous products, or hazardous wastes that pose a potential threat to human health or the environment, shall immediately report to the Department by telephone at (802) 828-1535.
- 7.22.3 All work and activities conducted by the permittee in accordance with the sVGP shall be consistent with the terms and conditions of this certification. Any regulated activities carried out in a manner inconsistent with the conditions set forth herein or inconsistent with the requirements specified in the sVGP, which are not more stringently conditioned under this certification, constitute a violation of this certification pursuant to 40 CFR § 124.53(e)(1), and all instances of noncompliance with this certification must be immediately reported to the Department at (802) 828-1535.
- 7.22.4 The discharge of wastewaters from pressure washing the bottom of vessels and any point source or non-point source pollution from spillage, sanding, sand blasting, or scraping vessels into Vermont waters from any vessel covered under the sVGP is prohibited.
- 7.22.5 Any discharge from any vessel covered under the sVGP that results in the further degradation of the chemical, physical, or biological integrity of Vermont waters listed on Vermont's Section 303(d) list is prohibited.
- 7.22.6 This certification is only valid for those activities that fully comply with all terms and conditions of EPA's final sVGP and all other state laws applicable to such discharges. The Department reserves the authority to enforce any violation of the Vermont WQS that results from any discharge and to enforce all other state laws applicable to such discharges.
- 7.22.7 Discharges that are not eligible for coverage under the sVGP and that require an individual permit must obtain an individual water quality certification or waiver from the Department.
- 7.22.8 The issuance of this certification does not authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits, including any Department permits or approvals, or permits or approvals from other governmental entities.

7.23 Washington

Washington certified the sVGP with the following additional permit conditions:

¹¹ Oklahoma's list of Outstanding Resource Waters is attached to their 401 certification letter which is available as a PDF file by linking to EPA's website at : www.epa.gov/npdes/vessels.

7.23.1 Conditions Related to Washington State Geography

1. The conditions and requirements of the sVGP shall extend to all surface waters of the state. (Authority- Article XXIV of the Washington State Constitution and 43 USC § 1312.)
2. Many of the instructions in the sVGP involve using onshore disposal if available. Proper interpretation of these instructions requires knowledge on pumpout facility locations. The VGP/sVGP webpage contains links to information showing where pumpout facilities are available and providing guidance on other vessel-related environmental issues.

7.23.2 Conditions Related to State Law

1. Except for firefighting foam discharged during an emergency, maintenance, or training, discharges to state waters are prohibited that would cause a sheen, film, sludge, foam, turbidity, color, or odor. (authority: Revised Code of Washington (RCW) 90.48.020, RCW 90.48.080, and Washington Administrative Code (WAC) 173-201A-260(2)(b).)
2. Based upon experience in Washington State with vessel discharges violating RCW 90.48.080 and requirements that the Department of Ecology has routinely imposed since before issuance of the original VGP or sVGP, the discharge of fish hold effluent while at a dock, pier, or mooring is prohibited.
3. The release to state waters of a harmful animal or plant species meets the state's definition of pollution in RCW 90.48.020 and would be a violation of RCW 90.48.080, WAC 173-201A-260(2)(a), and the sVGP. The sVGP Part 2.6(f) requires vessel operators to periodically inspect and clean vessel hulls if necessary to prevent the spread or dispersal of invasive species. The sVGP Part 2.6(g) requires vessel operators to minimize the transport of visible living organisms from one waterbody to another. The sVGP Part 3.2 requires quarterly inspection of the visible portions of the hull. Regular cleaning of hulls and niche areas is the only routinely available nontoxic method for minimizing transport of attached living organisms.

The release of nonnative aquatic animal species from in-water cleaning of vessel hulls, niche areas, and running gear without approval from the Washington Department of Fish and Wildlife (WDFW) is forbidden by RCW 77.15.253. The state VGP/sVGP webpage described in Condition 7.22.5 contains contact information and instructions for seeking WDFW approval.

Allowing biofouling to accumulate and mature without hull cleaning can also be interpreted as an illegal release. Operators of vessels with hulls that have not been cleaned for months or that are involved in extended unmanned periods or other lay- ups should conduct a hull inspection. A hull inspection under these circumstances is especially needed before leaving on a voyage to Washington State waters or a voyage between Captain of the Port (COTP) zones within the state. In accordance with paragraphs 2.6(f) and 2.6(g) of the sVGP, vessel operators must periodically conduct hull inspections and perform hull cleaning if needed.

7.23.3 Notification Condition

The following incidents must be reported as soon as possible but no more than 24 hours after first becoming aware of their occurrence to the Washington State Department of Health (WDOH) at 360-236-3330 or 360-789-8962 (after hours). Information provided should include the discharge location (latitude and longitude), discharge volume, discharge type, date and time, and duration of discharge. WDOH need not be notified of any incident not occurring in state waters. (Authority - RCW 69.30.130.)

1. A discharge of graywater in violation of sVGP Part 2.7.
2. Any vessel discharge containing sewage if the discharge exceeds the bacterial or suspended solids standards in 40 CFR § 140.3(d).

3. Any upset in a disinfection system.

7.23.4 State Inspection Authority

1. In accordance with RCW 90.48.090, Department of Ecology inspectors shall have access to the ship at reasonable times and locations for the purpose of sampling discharges covered by the sVGP, interviewing crew members, and inspecting log books and other relevant records.
2. In accordance with WAC 220-150-033, WDFW inspectors shall have access at any time to any vessel carrying or capable of carrying ballast water in order to provide technical assistance, assess compliance, and enforce the requirements of Chapter 220-150 WAC.

7.23.5 State VGP/sVGP Webpage

In order to assist the public and shipping industry with sVGP requirements and related information, the Department of Ecology maintains a VGP/sVGP webpage at: <http://www.ecy.wa.gov/programs/wq/permits/VGP/index.html>. The webpage describes the legal history of the vessel permits and provides links to important state and federal documents. The webpage has guidance for graywater discharges, oily water separator discharges, and in-water load line painting. Hull cleaning guidance will be developed and added. Information will be added on no discharge zones when they are granted. Guidance on pumpout facilities will be included.

7.24 Wisconsin

Wisconsin certified the sVGP with the following additional permit conditions:

GENERAL CONDITIONS:

7.24.1 Activities not eligible for authorization under this state water quality certification include:

- a. Fills or deposition of material in navigable waters (s. 30.12, Wis. Stats.).
- b. Activities likely to jeopardize the continued existence of a state designated threatened or endangered species or a species proposed for such designation, or that is likely to destroy or adversely modify the habitat of such species [s. 29.604, Wis. Stats.; s. NR 1.015(1)(a), Wis. Adm. Code].
- c. Activities that would result, overall, in adverse impacts to fishery spawning habitat or adversely affect avifauna breeding areas or substantially disrupt the movement of those species which normally migrate from open water to upland or vice versa (i.e., amphibians, reptiles and mammals) [s. NR 102.01(2), Wis. Adm. Code].
- d. Activities detrimental to the public interest in waters of the state [s. NR 102.01(2), Wis. Adm. Code].

SPECIFIC CONDITIONS:

7.24.2 Discharges of graywater or sewage into Lake Michigan, a No Discharge Zone, are subject to penalties [s. 29.601(3), Wis. Stats.]

7.24.3 All instances of noncompliance with this certification must be reported to the Wisconsin Department of Natural Resources (WDNR) immediately [s. NR 205.07(1)(s), Wis. Adm. Code].

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APPENDIX A -PERMIT AUTHORIZATION AND RECORD OF INSPECTION (PARI) FORM

Small Vessel General Permit (sVGP) Authorization and Record of Inspection (PARI) Form

I. Vessel Owner/Operator Information				
Vessel Owner/Operator _____		Phone _____		
Address and Email Address: _____				
II. Vessel Information				
Vessel Name _____		Vessel Type _____		
Vessel Identifier _____ <input type="checkbox"/> Registered number/operating number <input type="checkbox"/> IMO number				
III. Owner/Operator Acknowledgement				
By signing this form, I acknowledge that I have read and am familiar with the sVGP and that I am implementing all permit requirements contained in the sVGP.				
IV. Certification Information				
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.				
_____ (Signature and Date)				
V. Quarterly Inspections by Year				
A. 2015	1st Qtr Inspection Completed: <input type="checkbox"/>	2nd Qtr Inspection Completed: <input type="checkbox"/>	3rd Qtr Inspection Completed: <input type="checkbox"/>	4th Qtr Inspection Completed: <input type="checkbox"/>
Date Sign Here	___/___/_____	___/___/_____	___/___/_____	___/___/_____
I certify that I have completed all of my quarterly inspections for 2014 in accordance with Part 3.2 of the sVGP				
_____ (Signature and Date)				
B. 2016	1st Qtr Inspection Completed: <input type="checkbox"/>	2nd Qtr Inspection Completed: <input type="checkbox"/>	3rd Qtr Inspection Completed: <input type="checkbox"/>	4th Qtr Inspection Completed: <input type="checkbox"/>
Date Sign Here	___/___/_____	___/___/_____	___/___/_____	___/___/_____
I certify that I have completed all of my quarterly inspections for 2015 in accordance with Part 3.2 of the sVGP				
_____ (Signature and Date)				
C. 2017	1st Qtr Inspection Completed: <input type="checkbox"/>	2nd Qtr Inspection Completed: <input type="checkbox"/>	3rd Qtr Inspection Completed: <input type="checkbox"/>	4th Qtr Inspection Completed: <input type="checkbox"/>
Date Sign Here	___/___/_____	___/___/_____	___/___/_____	___/___/_____
I certify that I have completed all of my quarterly inspections for 2016 in accordance with Part 3.2 of the sVGP				
_____ (Signature and Date)				
D. 2018	1st Qtr Inspection Completed: <input type="checkbox"/>	2nd Qtr Inspection Completed: <input type="checkbox"/>	3rd Qtr Inspection Completed: <input type="checkbox"/>	4th Qtr Inspection Completed: <input type="checkbox"/>
Date Sign Here	___/___/_____	___/___/_____	___/___/_____	___/___/_____
I certify that I have completed all of my quarterly inspections for 2017 in accordance with Part 3.2 of the sVGP				
_____ (Signature and Date)				
E. 2019	1st Qtr Inspection Completed: <input type="checkbox"/>	2nd Qtr Inspection Completed: <input type="checkbox"/>	3rd Qtr Inspection Completed: <input type="checkbox"/>	4th Qtr Inspection Completed: <input type="checkbox"/>
Date Sign Here	___/___/_____	___/___/_____	___/___/_____	___/___/_____
I certify that I have completed all of my quarterly inspections for 2018 in accordance with Part 3.2 of the sVGP				
_____ (Signature and Date)				

Corrective Action Records for the sVGP

If you need to take any corrective actions resulting from your quarterly visual inspections please record your findings on the next page

Date	sVGP Requirement Affected	Description	Cause	Description of Corrective Action Performed or Scheduled

Please include additional pages as necessary.

APPENDIX B – ANNUAL NONCOMPLIANCE FORM

United States Environmental Protection Agency, Washington, DC 20460
 Annual Noncompliance Form for Discharges Incidental to the Normal Operation
 of a Vessel under the NPDES small Vessel General Permit (sVGP)

A. Vessel Owner/Operator Information:

Name:
 Street:
 City: State: Zip:
 Country:
 Phone: Fax (optional):
 E-mail:

B. Vessel Information:

Vessel Name:
 Vessel ID/ Registered Number/ IMO number:
 Vessel Call Sign:
 Flag State/Port of Registry:
 Type of Vessel (select one):
 Commercial Fishing Vessel Barge
 Ferry Research Vessel
 Rescue Vessel Other: _____
 Passenger Vessel
 Vessel Weight: Gross Tons Gross Registered Tons
 Vessel Length: Feet Meters

C. Instances of Noncompliance

Please fill out the information below describing your instances of noncompliance (e.g., not using phosphate free soaps). Use additional pages if necessary

Date	sVGP Requirement Affected	Description of Noncompliance	Cause of Noncompliance	Description of Corrective Action Performed or Scheduled

D. Certification Information

I certify under penalty of law that the information contained in this form is, to the best of my knowledge and belief, true, accurate and complete. Furthermore, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

 Signature and Date

Print Name:
 Title:
 E-mail: