



US EPA delays introduction of new VGP requirements until March 2019

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On 4 December 2018, the President of the United States signed the “Vessel Incidental Discharge Act” into law. Among other, the law extends the validity of the current 2013 Vessel General Permit (VGP) beyond 18 December 2018, which means that operators of vessels currently without permit coverage can continue to file Notices of Intent also after this date.

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The US Environmental Protection Agency (EPA) first issued the Vessel General Permit in 2008 (VGP 1.0) and subsequently reissued it in 2013 (VGP 2.0), with 18 December 2018 as the second permit expiration date. On 10 October 2018, EPA released a [epa-vgp-policy-letter-10-october-2018.pdf](#) stating that the new VGP 3.0 had been delayed and confirming a decision to administratively continue its current VGP 2.0 until spring 2019.

At that time, Members and clients were notified that no Notices of Intent (NOI) could be submitted after expiration of the VGP 2.0 on 18 December 2018. However, with the recent passing of the “ [Vessel Incidental Discharge Act](#) ” (VIDA), this expiration date is no longer applicable. Owners and operators of vessels operating under VGP 2.0 are therefore expected to continue to comply with the terms and conditions of that permit until the new permit (VGP 3.0) is issued and enters into force. The following should be noted:

- For vessels which are currently covered by the existing VGP 2.0, coverage will continue with no additional follow-up action necessary.
- For vessels currently without permit coverage, such as vessels under construction and vessels that have not previously operated in US waters, there will be no changes in the permit application process. Owners or operators of such vessels must submit a complete and accurate NOI at least seven days prior to the discharge to continue uninterrupted coverage.

The new VIDA gives the EPA responsibility for establishing standards for the discharge of pollutants from vessels and the USCG responsibility for prescribing, administering, and enforcing the standards. EPA has a two-year period to promulgate the new regulations and the current VGP 2.0 will remain in force until a decision is made. Operators of vessels covered by the permit are, however, advised to double-check that their vessels have active NOIs. The online public search tool available at: <https://ofmpub.epa.gov/apex/vgpenoi/f?p=vgp:Search> can be used to identify a vessel's NOI status. Updates to any NOIs submitted prior to 18 December 2018 (e.g. updates to owner/operator information) can still be made after 18 December 2018.

We also take this opportunity to remind Members and clients with vessels holding valid NOIs in 2018 that Annual Reports for 2018 must be submitted to EPA by 28 February 2019.

The VGP “in a nutshell”

The VGP provides for coverage for incidental discharges into US waters from commercial vessels greater than 79 feet in length and for ballast water discharges from commercial vessels of all sizes. The permit contains effluent limits for different types of discharges including ballast water, deck runoff, bilge water and grey water, as well requirements for the use of environmentally acceptable lubricants (EALs) in all oil-to-sea interfaces.

Each individual vessel in a fleet requires its own permit and the NOI requirements apply to vessels of 300 gross tons or more or vessels that have the ability to hold or discharge more than eight cubic meters of ballast water.

For each vessel, operators must submit an Annual Report electronically for each year that they have active permit coverage. Annual Reports must be completed for each calendar year but submitted by 28 February of the following year.

A general overview of the VGP, its requirements, as well as practical information on how to submit NOIs and Annual Reports, are available on EPAs website on “Vessel Discharges”: <https://www.epa.gov/npdes/vessels> .

Reference is also made to our [Member%20Circular%2016%2013%20-%20VGP%20Requirements.pdf](#) of December 2013.

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