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# NPDES Vessels Program *Quarterly*

NAVIGATING THE EPA REGULATED VESSELS UNIVERSE

## MODIFICATIONS TO IOWA and PENNSYLVANIA 401 CERTIFICATION CONDITIONS

On December 10, 2010, EPA provided notice in the *Federal Register* of EPA's deletion of specific state section 401 certification conditions from Part 6 of the Vessel General Permit (VGP) for both Pennsylvania and Iowa. EPA may, at the request of a permittee, modify the VGP based on a modified certification received after final agency action on the permit "only to the extent necessary to delete any conditions based on a condition in a certification invalidated by a court of competent jurisdiction or by an appropriate state board or agency," 40 CFR 124.55(b). In accordance with this provision, EPA has removed these deleted certification conditions from the VGP. EPA's letters notifying the requesting permittees that their requests to delete the permit conditions were granted, and a copy of the VGP reflecting those deletions can be found in Docket ID No. EPA-HQ-OW-2008-2005 at <http://www.regulations.gov>.

To view the *Federal Register* notice announcing the deletions, please visit <http://cfpub.epa.gov/npdes/vessels/vgpermit.cfm>

### OPEN HOUSE MEETING ON VGP HELD IN HOUSTON, TX



On November 19, 2010, EPA was invited to speak and listen at an industry-sponsored meeting on the VGP in Houston, Texas. EPA presented an overview of the VGP and answered questions from meeting participants. Four speakers from the maritime industry gave presentations on the challenges associated with implementing the VGP. More than 50 participants representing numerous groups attended the meeting.

## Spotlight on A.P. Moller - Maersk

A.P. Moller – Maersk, commonly referred to as “Maersk,” is a publicly traded corporation that operates container ships, tankers and supply vessels, many of which operate in US waters. According to company officials, it has been proactive with implementing EPA's Vessel General Permit since it came into force in 2008. EPA asked Jai Alimchandani, Maersk's Deputy Head of Regulatory Affairs, to provide insight into how one of the world's largest shipping companies is able to effectively implement the VGP.

According to Mr. Alimchandani, before the VGP came into force in 2008, Maersk was in full compliance with international and local environmental requirements. As a result, Maersk already had procedures in place controlling many discharge categories identified in the VGP, such as bilgewater and ballast water. When EPA released the final 2008 VGP, the company analyzed each discharge category's requirements individually and developed an action plan for each discharge. Additionally, the company read through the VGP Fact Sheet, the frequently asked questions (FAQs),<sup>1</sup> and asked for assistance directly from EPA representatives. Maersk found that the VGP had several overlapping requirements with other regulations, and continued using several of the procedures they already had in place. For all vessels, Maersk developed separate procedures specifically for the VGP that cross-reference their

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To learn more about the NPDES vessels program, please visit <http://www.epa.gov/npdes/vessels>. For questions or concerns about the VGP, please e-mail [CommercialVesselPermit@epa.gov](mailto:CommercialVesselPermit@epa.gov).

## VGP LISTENING SESSION HELD IN DECEMBER AND EARLY PUBLIC INPUT SOLICITED

Thank you to all the stakeholders who participated in the VGP listening session held on December 15, 2010, and provided written comments to the accompanying docket. The listening session served as an additional opportunity for the public to recommend changes or additions for the development of the next VGP. In total, between 100-150 people participated in the listening session in person or on the phone. In addition to comments received at the listening session, EPA received written comments from approximately 4,000 stakeholders. EPA will use the comments, which are located in the docket, (available at <http://www.regulations.gov>, Docket ID No. EPA-HQ-OW-2010-0828) to inform decisions for developing the next VGP. The current VGP expires on December 19, 2013.

## Spotlight on A.P. Moller – Maersk (continued)

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original internal procedures. This way, prior to calling on the United States, all the vessel had to do was implement the requirements.

Although the VGP had many requirements that Maersk vessels were already implementing, the company did have to adopt some new procedures. Maersk adopted new best management practices for chain locker effluent, elevator pit effluent, and refrigeration and air condensate discharge, amongst others. Initially, the company also had difficulty interpreting the routine, quarterly and annual inspections required by the VGP for vessels infrequently calling on the US. After reviewing certain answers found in EPA's Response to Comments document to the proposed 2008 VGP<sup>2</sup>, Maersk instructed their ships to perform, as a minimum, one each of these inspections prior to entering US waters. Additionally, Maersk, like many other shipping companies, has found the Clean Water Act Section 401 certification requirements to be challenging since they allow different states to impose more stringent conditions for vessel discharges,

thereby resulting in a lack of national consistency for discharges incidental to the normal operation of vessels.

When EPA asked Mr. Alimchandani how he would advise other ship owner/operators to comply with the VGP, Mr. Alimchandani imparted the following advice: "The program does seem daunting at first when taken as a whole and there are aspects that can prove onerous and challenging. However, it does make it easier dealing with each discharge category individually and then consolidating the result in a 'NPDES VGP Manual,' a copy of which may be maintained onboard."

*Jai Alimchandani, a Marine Engineer by training, has worked for A.P. Moller - Maersk since 1981. In the past, he has worked as chief engineer and inspector. He currently works in Maersk's Head Office in the Regulatory Affairs Department ensuring regulatory compliance of all company vessels.*

1. located on the right hand bar on EPA's vessel discharges website (<http://www.epa.gov/npdes/vessels>)
2. can be found at <http://www.regulations.gov> under docket number EPA-HQ-OW-2008-0055

## NEW ENVIRONMENTAL TECHNOLOGY VERIFICATION (ETV) PROTOCOLS FOR SAMPLING BALLAST WATER DISCHARGES

EPA recently finalized new ETV protocols for sampling ballast water discharges from land-based testing facilities titled, "*Generic Protocol for the Verification of Ballast Water Treatment Technology.*" The ETV program verifies the performance of innovative technologies that have the potential to improve protection of human health and the environment. This protocol was developed through a collaboration between EPA and the United States Coast Guard. To view a copy of the ETV protocol, please visit <http://www.epa.gov/nrmrl/pubs/600r10146/600r10146.pdf>.

## UPDATE ON SAB'S EVALUATION OF SHIPBOARD BALLAST WATER TREATMENT PROCESSES



On October 26, 2010, and November 4, 2010, EPA's Science Advisory Board (SAB) held teleconferences discussing their preliminary advice on the status of existing and future ballast water treatment technologies. During the calls, SAB committee members presented draft text for committee deliberation in preparation of developing a draft report on shipboard ballast water treatment processes.

The next SAB meeting is scheduled for January 25 and 26, 2011, in Washington, DC, and its purpose will be to discuss the first draft of the SAB's report. The draft report will be made available on the SAB website one week before the meeting. The meeting is open to the public, and a phone line will be provided for those who cannot attend in person.

*For more information and to view a copy of the SAB's draft text, please visit [http://yosemite.epa.gov/sab/sabprod/uct.nsf/fedqrstr\\_activites/BW%20discharge?OpenDocument](http://yosemite.epa.gov/sab/sabprod/uct.nsf/fedqrstr_activites/BW%20discharge?OpenDocument)*

EPA's SAB is charged with evaluating the effectiveness of shipboard ballast water treatment processes to minimize the potential spread of invasive species through ballast water discharges from vessels. Conclusions from the panel will help inform EPA in developing ballast water effluent limits and related requirements for the next VGP. EPA expects a final report from the SAB in late spring 2011.