

VESSEL DISCHARGES

ISSUE SUMMARY:

The EPA works to prevent or reduce the discharge of pollutants from vessels into U.S. waters through management of programs under section 312 of the Clean Water Act (CWA). These programs include regulating sewage from vessels under section 312 (a)-(m), regulating incidental discharges from vessels of the Armed Forces (section 312(n)), and regulating incidental discharges from commercial vessels (section 312(p)). The EPA proposed a rule on October 26, 2020, and subsequently issued a supplemental notice of proposed rulemaking on October 18, 2023, for commercial vessels under the Vessel Incidental Discharge Act. The Agency is under a finalized the rule by September 20, 2024. <https://www.epa.gov/vessels-marinas-and-ports/vessel-incidental-discharge-act-vida>

UPCOMING MILESTONES:

BACKGROUND:

Vessels are vital to the nation's economy and defense and are an important part of public recreation on U.S. navigable waters. However, vessel operations produce discharges that can have an adverse environmental impact through the introduction and spread of harmful pollutants such as metals, nutrients, and invasive species. To prevent the degradation of the nation's waters, the CWA section 312 requires the EPA to develop nationally applicable standards for incidental discharges, like sewage and ballast water, from a wide variety of vessels.

Sewage (CWA section 312(a)-(m)) <https://www.epa.gov/vessels-marinas-and-ports/vessel-sewage-discharges>

- Under the CWA, the discharge of raw or untreated sewage from all vessels with installed toilets operating in U.S. navigable waters is prohibited. In 1976, the EPA promulgated national standards of performance for onboard sewage treatment systems ("marine sanitation devices") that establish discharge limits for fecal coliforms and total suspended solids. 40 CFR part 140. The U.S. Coast Guard issued corresponding regulations governing the design, construction, installation, and operation of these systems. Under CWA section 312(f), states can apply to the EPA for the establishment of a no-discharge zone: an area in which the discharge of both treated and untreated sewage from vessels is prohibited. The EPA recently issued updated guidance to assist state officials with the preparation of sewage no-discharge zone applications.

Vessels of the Armed Forces (CWA section 312(n)) <https://www.epa.gov/vessels-marinas-and-ports/uniform-national-discharge-standards-unds-vessels-armed-forces>

- More than 6,000 vessels of the Armed Forces operate in U.S. waters. The EPA and the Department of Defense, through a series of rulemakings known collectively as the "Uniform National Discharge Standards" (UNDS), are establishing national performance standards for 25 discharges from vessels of the Armed Forces that were previously identified as requiring control.
- The EPA is currently working on the third and final UNDS rulemaking with the Department of Defense to address three discharges associated with ballast water. Standards have already been finalized for the other 22 discharges through two completed rulemakings. 40 CFR part 1700.

Recreational Vessels (CWA section 312(o))

- The CWA, as amended by the 2008 Clean Boating Act, requires the EPA to develop management practices for incidental discharges from recreational vessels for which the use of management practices is reasonable and

practicable, and to develop national standards of performance for management practice(s) required with respect to each discharge.

- The EPA has not taken action on this provision to date.

Commercial Vessels (CWA section 312(p))

- The 2018 Vessel Incidental Discharge Act (VIDA) amended the CWA to consolidate and streamline the discharge requirements applicable to primarily commercial vessels 79 feet in length and above. VIDA requires the EPA, in concurrence with the Secretary of the Department of Homeland Security and in consultation with interested governors, to develop national standards for incidental discharges from such vessels. The EPA proposed to establish both general and specific technology-based discharge standards for approximately 82,000 international and domestic vessels operating in the waters of the United States or the waters of the contiguous zone. Once finalized, the standards will become effective once the U.S. Coast Guard issues corresponding implementing regulations required under VIDA.
- EPA finalized the VIDA rulemaking on September 20, 2024.
- While VIDA generally preempts states from establishing more stringent discharge standards, it authorizes states, working directly with the EPA or the U.S. Coast Guard, to seek additional requirements through several distinct petition processes (e.g., to establish no-discharge zones).
- VIDA also requires the EPA to establish a Great Lakes and Lake Champlain Invasive Species Program focused on preventing the establishment or spread of aquatic invasive species within the Great Lakes and Lake Champlain systems. The EPA established a research agreement with the Maritime Administration and Lake Superior Research Institute at the University of Wisconsin-Superior to address ongoing aquatic invasive species concerns from the inter-lake transfer of ballast water from commercial vessels operating solely on the Great Lakes.
<https://www.uwsuper.edu/academics/research-and-innovation/lake-superior-research-institute/gwrc/research-and-development-plan/>

International Efforts

- The EPA regularly participates in meetings and correspondence groups for several international conventions related to vessel discharges, including the International Convention for the Prevention of Pollution from Ships (MARPOL), the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention), and the International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS Convention). Additionally, the EPA, in partnership with other federal agencies, works with Canada through the Great Lakes Water Quality Agreement, a binational commitment to restore and protect the waters of the Great Lakes.
- While the U.S. may not be party to all facets of each convention, EPA (as part of the broader U.S. delegation) advocates for U.S.-flagged vessels that operate abroad and benefits from international information sharing.

KEY EXTERNAL STAKEHOLDERS:

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| <input checked="" type="checkbox"/> Congress | <input checked="" type="checkbox"/> Industry | <input checked="" type="checkbox"/> States | <input checked="" type="checkbox"/> Tribes | <input checked="" type="checkbox"/> Media | <input checked="" type="checkbox"/> Other Federal Agency |
| <input checked="" type="checkbox"/> NGO | <input checked="" type="checkbox"/> Local Governments | <input checked="" type="checkbox"/> Other: International maritime organizations | | | |

MOVING FORWARD:

The EPA will work on the remaining discharge standards for UNDS. Additionally, the EPA will provide ongoing and future management and guidance of federal regulations and state programs associated with sewage, UNDS, and VIDA.

LEAD OFFICE/REGION: OFFICE OF WATER

OTHER KEY OFFICES/REGIONS: GREAT
LAKES NATIONAL PROGRAM OFFICE,
OGC, OECA, REGIONS