

## EPA Reminder About Clean Water Act Vessel General Permit Requirements

- The purpose of this Enforcement Alert is to remind vessel owners and operators to comply with the U.S. Environmental Protection Agency's (EPA) Clean Water Act (CWA) [2013 Vessel General Permit \(VGP\) requirements](#).
- The VGP requirements apply to a wide variety of vessels, including passenger ships (e.g., cruise ships and ferries), many types of barges, tankers (oil, gas, chemical, etc.), bulk carriers, cargo ships (including roll-on roll-off vehicle carriers), container ships, utility vessels (e.g., offshore supply, support), research vessels, emergency response vessels including firefighting and police vessels, mobile offshore drilling units, commercial fishing vessels, and other vessels operating in a capacity as a means of transportation.
- This universe of regulated vessels is sometimes described in brief as "commercial vessels."
- Compliance with the VGP requirements reduces the human health and environmental impacts of vessel discharges.

### Requirements

On December 4, 2018, the President signed into law the [Vessel Incidental Discharge Act \(VIDA\)](#) (Title IX of the Frank LoBiondo Coast Guard Authorization Act of 2018). VIDA codified the provisions of the EPA's 2013 VGP for discharges incidental to the normal operation of commercial vessels that are at least 79 feet in length and for ballast water discharges only from smaller commercial vessels and fishing vessels of all sizes. The VGP includes effluent limitations,

#### **EPA's 2013 Vessel General Permit**

- Applies to "commercial vessels."
- Includes effluent limitations, management measures, corrective action, monitoring, recordkeeping, and reporting requirements.
- Remains in effect until new EPA and USCG regulations under VIDA are final, effective, and enforceable.
- Compliance protects human health, water quality, and marine life.

management measures, corrective action, monitoring, recordkeeping, and reporting requirements. The VGP requirements remain in effect until such time that the EPA and the U.S. Coast Guard (USCG) develop new incidental discharge regulations under VIDA and those regulations are final, effective, and enforceable.

For most vessels, the VGP effluent limits and management measures for ballast water largely align with the 2012 USCG ballast water rulemaking requirements. Most vessels with ballast water discharges in U.S. waters will be expected to install, operate, and maintain a USCG type approved ballast water treatment system.

## Impacts of Noncompliance

Unauthorized discharges of pollutants from vessels and improper management practices can degrade water quality and adversely affect marine life. For example, unauthorized discharges and inadequate management of ballast water can introduce invasive species (e.g., Zebra mussel) or damage local species by disrupting habitats. Ballast water discharges are widely recognized as one of the primary sources (or vectors) for the spread of aquatic invasive species, also known as aquatic nuisance species. Invasive species cause severe economic and ecological impacts by increasing competitive pressure on native species and depleting native species stock and can impact subsistence fishing relied on by many communities with environmental justice concerns. Unauthorized discharges of other waste streams (e.g., graywater, exhaust gas scrubber water, lubricants, etc.) can cause toxic impacts to local species or contain pathogenic organisms.



Figure 1: Zebra mussel photo from [USDA website](#)

It is important that all VGP monitoring requirements are met to ensure that human health and the environment are protected from vessel discharges. The VGP includes routine visual inspections and a comprehensive annual inspection so that the owner or operator can identify, diagnose, and fix problems to remain compliant with regulatory requirements. Failure to conduct vessel inspections inhibits the identification of sources of spills, broken pollution prevention equipment, or other situations that are or might lead to permit violations and unauthorized discharges. Routine inspections of equipment allow the owner/operator to correct problems as soon as possible.

Failure to maintain records or submit accurate annual reports inhibits the ability of the EPA to verify vessel compliance. Because the CWA relies heavily on self-monitoring and self-reporting by permittees, violations of monitoring and reporting requirements are serious and undermine the integrity of the program.

## Recent EPA VGP Enforcement Case Examples



Figure 2: [MSC Aurora - Container Ship](#)

### *MSC Aurora and Western Durban*

In November 2021, the EPA assessed penalties totaling \$81,474 against two commercial ships, the *MSC Aurora* and the *Western Durban*, for CWA VGP inspection, monitoring, and reporting violations in California and Louisiana. The Mediterranean Shipping Company (MSC) and the Victoria Ship Management Company entered into separate administrative Consent Agreements and Final Orders with the EPA to resolve their ship's VGP violations.

From November 2016 to July 2021, the *MSC Aurora* failed to conduct required routine visual inspections for 11 voyages to Ports of Long Beach, Los Angeles, and Oakland. The *MSC Aurora*

also failed to submit timely annual reports to the EPA for 2016 - 2019. For these multiple VGP inspection and reporting violations, the MSC agreed to pay a civil penalty of \$66,474 under the settlement.



In August 2017, the *Western Durban* failed to perform VGP monthly functionality monitoring and an annual calibration of the ballast water treatment system before discharging ballast water at the Port of New Orleans. The ship also failed to conduct required biological monitoring after the discharge. The EPA assessed penalties totaling \$15,000 to the Tokyo-based Victoria Ship Management Company.

Figure 3: [\*Western Durban\* - Bulk Carrier](#)

### *Carnival Corporation*

In 2018, the EPA and Carnival Corporation reached a settlement via a Consent Agreement and Final Order to resolve VGP pH discharge limitation violations in Alaskan waters from multiple vessels owned or operated by Carnival and its subsidiaries.

Carnival paid a civil penalty of \$14,500 and agreed to make improvements to its exhaust gas cleaning systems (EGCSs) and adjustments to ship operations such as: use of premium lower sulfur fuel in Alaskan waters; make refinements to system automation software and to EGCS and engine operating practices; retrofit de-gassing units on each system to avoid pH impact from entrained exhaust gases; conduct operational trials of new system buffering water mixer designs and chemical dosing; and, fit most ships operating in U.S. waters with additional buffering seawater capacity, including larger pump motors, drives, and piping.



Figure 4: [\*Carnival Cruise Line's Miracle\* - Large Cruise Ship, Juneau, AK](#)

Carnival also agreed to spend \$75,000 on a supplemental environmental project (SEP) to provide monitoring information on turbidity, temperature, and salinity/conductivity which have similar impacts on water quality as pH. The SEP provided information to Alaska Department of Environmental Conservation and the public that otherwise would not be collected.

## **The EPA's Audit Policy**

Regulated entities of any size who voluntarily discover, promptly disclose, expeditiously correct, and take steps to prevent recurrence of potential violations may be eligible for a reduction or

elimination of any civil penalties that otherwise might apply. Most violations can be disclosed and processed via the EPA's automated online ["eDisclosure system"](#).

## **Where can I get more information?**

For more information, please visit:

- The EPA's [Vessels, Marinas and Ports website](#).
- The regulatory process and future requirements of [VIDA](#).
- The EPA's 2013 VGP website, including the [VGP Fact Sheet](#) and frequently asked questions ([FAQ](#)).
- The EPA's 2013 [VGP Response to Comments Document](#).
- The USCG's [website](#).
- The US Trade Representative's 2022 US Mexico Canada Agreement [Fact Sheet](#)

### **Disclaimer**

This Enforcement Alert addresses select provisions of EPA regulatory requirements using plain language. Nothing in this Enforcement Alert is meant to replace or revise any CWA requirement, any permit, any EPA regulatory provision, or any other part of the Code of Federal Regulations, or the Federal Register.