



Vessel Incidental Discharge Act (VIDA)

The U.S. Regulatory Framework for
Discharges from Commercial
Vessels

Disclaimer

The following EPA and USCG presentation is intended to provide information to the public on the recently enacted Vessel Incidental Discharge Act (VIDA) and currently in-force statutes, permits and regulations. Neither the slide presentation nor remarks of the participants represent final agency decisions regarding implementation of VIDA. Specific questions related to the content of this presentation should be referred to the appropriate Agency.



Overview

- Program History
- Vessel Incidental Discharge Act (VIDA)
- Interim Requirements (~2019 to 2022)
- Future Regulations and Programs
- Outreach and Communication
- Questions



Program History

- There are numerous federal, state and local requirements that regulate discharges from vessels.
- EPA began regulating **incidental** discharges from **commercial** vessels into waters of the United States under the **Vessel General Permit** (for vessels > 79 feet in length) and the **small Vessel General Permit** (for vessels < 79 feet in length), in response to a 2008 court decision.
 - **Incidental discharges** – Discharges originating from a vessel as a result of its normal operation as a means of transportation
 - **Commercial vessels** – Non-military, non-recreational vessels
- Coast Guard is authorized by the National Invasive Species Act (NISA) to establish a Ballast Water Discharge Standard to reduce risk of introduction of aquatic nuisance species and to establish a type approval program for Ballast Water Management Systems (BWMS).



Vessel Incidental Discharge Act (VIDA)



Vessel Incidental Discharge Act (VIDA)

- The **Vessel Incidental Discharge Act (VIDA)** is a new law enacted on December 4, 2018 that changes the U.S. framework for regulating incidental discharges from commercial vessels.
- Congress passed VIDA in an effort to help streamline the patchwork of federal, state, and local requirements for the commercial vessel community.



Highlights

- Maintains existing vessel discharge requirements established through the EPA 2013 VGP and the U.S. Coast Guard (USCG) ballast water regulations for most vessels
- Authorizes EPA and the USCG to develop new vessel discharge regulations
- Establishes enhanced and regional ballast water requirements to address invasive species
- Requires the USCG to consider ballast water test methods based on organism viability



Scope

- **Discharges (~ 30)**
 - Any discharge incidental to the normal operation of vessel
 - EPA intends to mirror the 2013 VGP discharges when developing future regulations
 - Does not apply to sewage discharges that are not commingled
- **Vessels (~ 70,000)**
 - All large non-military, non-recreational vessels, except fishing vessels
 - Small vessels and fishing vessels (ballast water only)
- **Waters**
 - Waters of the U.S. and waters of the contiguous zone
 - Specific requirements in certain waters (e.g., Great Lakes)



Incidental Discharges

- Anti-Fouling Hull Coatings and Leachate
- Aqueous Film Forming Foam
- Ballast Water
- Bilgewater/Oily Water Separator Effluent
- Boat Engine Wet Exhaust
- Boiler/Economizer Blowdown
- Cathodic Protection
- Chain Locker Effluent
- Deck Washdown and Runoff
- Distillation and Reverse Osmosis Brine
- Elevator Pit Effluent
- Exhaust Gas Cleaning System Washwater
- Firemain Systems
- Fish Hold Effluent
- Freshwater Layup
- Gas Turbine Washwater
- Graywater
- Hull Fouling and Cleaning
- Inert Gas Scrubber Washwater
- Motor Gasoline Compensating Discharge
- Non-Oily Machinery Wastewater
- Oil-to-Sea Interfaces
- Pool or Spa Water
- Refrigeration and A/C Condensate
- Seawater Cooling Overboard Discharge
- Seawater Piping Biofouling Prevention
- Sonar Dome Discharge
- Well Deck Discharges



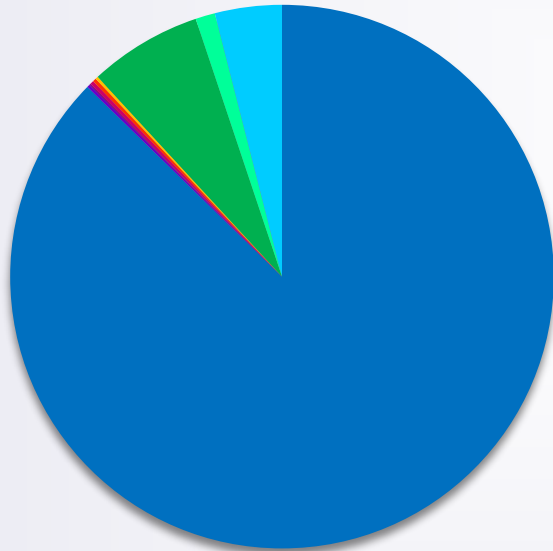
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Vessel Universe

US-Flagged Vessels



- Barges
- Bulk Carriers
- Cargo Ships
- Container Ships
- Tankers
- ROROs
- Tugs/Tows
- Passenger
- Other

Foreign-Flagged Vessels



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Source: VGP eNOI System (2018)



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Interim Requirements

(4 Dec 2018 to ~2022)

- **For large commercial vessels, except for fishing vessels:**
The provisions of the EPA 2013 VGP, the USCG ballast water regulations, and state and local government requirements remain in force and effect, until the future regulations are enforceable.
- **For small commercial vessels and fishing vessels of any size:** Only the ballast water provisions of the EPA 2013 VGP, the USCG regulations, and state and local government requirements remain in force and effect until the future regulations are enforceable.



Future Regulations and Programs



Federal Regulations

- VIDA requires EPA and the USCG to develop two future federal regulations to address commercial vessel discharges:
 1. The EPA to develop national standards of performance by December 2020; and
 2. The USCG to develop corresponding implementing, monitoring, and enforcement regulations two years thereafter.



Discharge Standards (EPA)

- Generally at least as stringent as the existing 2013 VGP requirements
- Technology-based
- Numeric, best management practices, or a combination of both
- May distinguish between class, type, size, and age of vessels
- Developed in concurrence with the USCG and in consultation with interested governors



Enhanced Ballast Water Requirements

- Establishes exchange and flushing requirements for empty ballast tanks. *CWA §312(p)(6)(B)*
- Specifies that, conditionally, a vessel need only meet standards applicable at time of Ballast Water Management System installation. *CWA §312(p)(6)(C)*
- Establishes permanent ballast exchange plus treatment for vessels entering the St. Lawrence Seaway via the mouth of the St. Lawrence River. *CWA §312(p)(10)(A)*
- Establishes more stringent minimum Pacific Region requirements for exchange and flushing. *CWA §312(p)(10)(C)*



Pacific Region EEZ



NOAA, *What is the EEZ?* National Ocean Service website, <https://oceanservice.noaa.gov/facts/eez.html>, 6/25/18.



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Pacific Region Low Salinity Ballast Water Exchange Exception

Parameter	IMO D-2, USCG, EPA VGP Standards	Pacific Region Low Salinity Ballast Exchange Exception Standards
Organisms >50 µm	< 10 per cubic meter	< 1 per 10 cubic meters <i>(100X more stringent than IMO)</i>
Organisms 10-50 µm	< 10 per milliliter (ml)	< 1 per 10 ml <i>(100X more stringent than IMO)</i>
Toxicogenic Vibrio Cholerae (O1 and O139)	1 cfu per mil, or < 1 cfu per gram (wet weight)	<1 cfu per 100 ml, or < 1 cfu per gram (wet weight)
Escherichia coli	< 250 per 100 ml	< 126 cfu per 100 ml <i>(~2X more stringent than IMO)</i>
Intestinal Enterococci	< 100 cfu per 100 ml	< 33 cfu per 100 ml <i>(~3X more stringent than IMO)</i>



Implementing Regulations (USCG)

- At least as stringent as the existing VGP and Nonindigenous Aquatic Nuisance Prevention and Control Act (NANPCA) requirements in most cases.
- Developed in coordination with the Governors of the States.
- Shall address inspections, monitoring, reporting, sampling, and recordkeeping.
- May address the design, construction, testing, approval, installation, and use of devices to achieve the EPA national standards of performance.
- When final, effective, and enforceable, they will generally preempt adoption or enforcement of any other federal, state, or local regulation of incidental discharges from vessels regulated under VIDA.



Enforcement

- EPA, the USCG, and U.S. states will have enforcement authority (under CWA Section 309).
- USCG will have primary responsibility for enforcing regulations consistent with the discharge standards established by EPA.
- State enforcement is to be consistent with new USCG inspection, monitoring, data management, and enforcement procedures.
- VIDA authorizes citizen suits under certain circumstances.



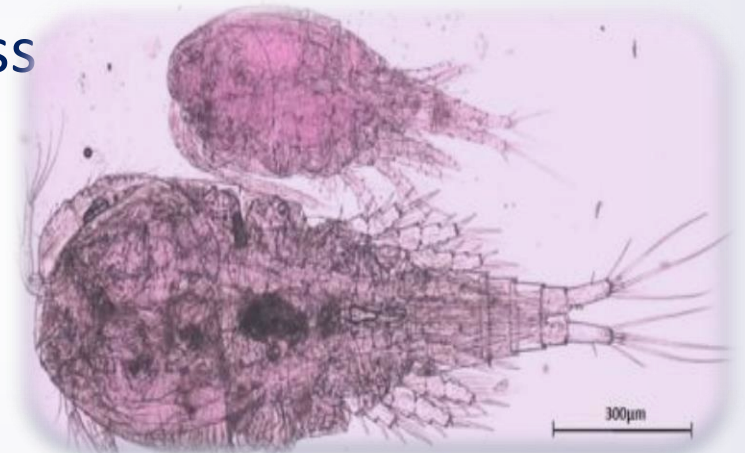
State Provisions

- Allows Governors to petition EPA and the USCG to establish Emergency Orders for Invasive Species and Water Quality Concerns. *CWA §312(p)(7)(A)(i)*
- Allows Governors to petition EPA to modify standards. *CWA §312(p)(7)(A)(ii)*
- Allows states to apply for no-discharge zones for any of the applicable VIDA discharges. *CWA §312(p)(10)(D)*
- Establishes an enhanced Great Lakes regulatory process for Governors to develop more stringent requirements for discharges in the Lakes. *CWA §312(p)(10)(B)*



Invasive Species Prevention Programs

- EPA and USCG Intergovernmental Response Frameworks to address risks from vessel discharges
- Coastal Aquatic Invasive Species Mitigation Grant Program
- Great Lakes and Lake Champlain Invasive Species Program



Non-native invertebrate zooplankton species found in the western basin of Lake Erie. Credit: Joe Connolly, Cornell University

Engagement Opportunities



Engagement Opportunities

- ★ **New Web Pages**
- ★ **Webinars**
- ★ **Public Listening Session**

Upcoming: May 29-30 at U.S. Merchant Marine Academy in Kings Point, NY

Registration: <https://projects.erg.com/conferences/epa/register-vida.asp>

- ★ **Notice of Proposed Rulemakings**



Contact Information

- **EPA**

- EPA Vessels, Marinas, and Ports Homepage
- Email: VGP@epa.gov

- **USCG**

- USCG Operating and Environmental Standards Homepage
- USCG Marine Safety Center Homepage
- Email: Environmental_Standards@uscg.mil

