

Key Elements of the Newly Issued NPDES Vessel General Permit (VGP)
Event ID: 132531

John Kosco: Good afternoon, and welcome to today's webcast on Key Elements of the Newly Issued NPDES Vessel General Permit. This webcast is sponsored by EPA's Office of Wastewater Management. My name is John Kosco, with Tetra Tech, and I will moderate today's session. Thanks for joining us today.

We'll get started in a few moments. While we wait for others to join in, I would like to cover a few housekeeping items. First, this webcast is designed to be an introduction to EPA's final Vessel General Permit, or VGP. The final Vessel General Permit and supporting information is available on EPA's Web page at www.epa.gov/npdes/vessels. Nothing in this presentation is intended as a substitute for the information provided in the final Vessel General Permit Federal Register notice, the final Vessel General Permit or the VGP Fact Sheet. In the event of any conflict between the information provided in this presentation and the VGP or VGP Fact Sheet, the permit and fact sheets are regarding as authoritative.

For those of you new to EPA's NPDES webcasts, I wanted to briefly summarize some of the webcast features. First, if you have any technical difficulties, you can call 800-833-2812. I'll repeat that number for those of you in the U.S. It's 800-833-2812. If you are listening internationally and want to call for technical difficulties, that direct number is 415-829-5211. I'll repeat that number -- 415-829-5211. You can also click on the Help button on your screen to receive technical support from ON24. You may also use the Ask a Question area to post any technical issues you are experiencing. Please include a telephone number where you can be reached, and we will help you troubleshoot your problem.

We will have several question-and-answer sessions during the webcast. To ask a question, simply type your question in the text box located in the lower left-hand corner of your screen, then click on the Submit Question button. You don't need to wait until the question-and-answer periods to submit your questions. In fact, we encourage you to submit your questions early. We will try to answer as many questions as possible. Due to the high number of participants, all questions will not be answered. However, if you have a specific question about the Vessel General Permit that goes unanswered today, please send an email to commercialvesselpermit@epa.gov.

There will be several occasions when our presenters will ask you questions. These poll questions will appear in the slide window. Please submit your answers in that same slide window, not in the Ask a Question box.

To see closed captioning, click on the Closed Captioning button on the lower left corner of your screen.

At the end of the webcast, you will be asked to complete an evaluation survey. The survey will appear in a popup window, so please turn off your popup blockers now.

Now we're ready for today's webcast. Today's speaker is Ryan Albert, with EPA's Water Permits Division. We were expecting Ryan's colleague, Juhi Saxena, but she is unable to make it today, so Ryan will be sailing solo for this one. Ryan is an environmental scientist in EPA's Water Permits Division. He is currently technical lead and project co-lead for NPDES vessel permitting. In addition, he has past experience with numerous water issues, including stormwater, TMDLs, or total maximum daily loads, and other invasive species issues.

Now I'll turn it over to Ryan to begin today's webcast.

Ryan Albert: Great. Once again, thank you all for joining us today. We're going to go through and walk through the various sections of the Vessel General Permit. Today, as John mentioned, today's discussion is really designed as an introduction to those of you with limited information or limited background on the Vessel General Permit and also NPDES permitting.

So, to start off today we're going to go through and talk about who needs permit coverage. And then we will talk about the Vessel General Permit, including highlights from specific sections. We can't possibly get through everything today, but we'll try to talk about some of the things that we find to be more important, or some of the things that we're getting a lot of questions from the public. We also will address some frequently asked questions. We are getting several questions. Many of you are being kind enough to contact us at our Commercial Vessel Permit email box, and that is our preferred way to contact us right now. And then, finally, we do have some poll questions, as John mentioned.

So, under the Clean Water Act, until February 6, 2009, which is tomorrow, there will be a regulatory exemption from NPDES permitting for vessels -- or for discharges, excuse me, incidental to the normal operation of a vessel. These sorts of discharges we consider things such as ballast water, graywater, bilgewater, so on and so forth. Due to a 2006 court order, this exemption will be vacated, once again, as of tomorrow. And, as a result, vessels that previously did not need 402 -- Section 402 of the Clean Water Act, NPDES permit coverage will need a permit to discharge legally in waters of the United States.

Now, for additional information on the Clean Water Act and vessel permitting, we have several resources available on our Web page. One of these resources is we did a webcast this past July, and the first portion of that webcast is discussing the Clean Water Act and 402 permitting, with Deborah Nagle speaking, and you can, once again, get that on our Web page. Additionally, there's a PDF of a PowerPoint presentation there, and it's the one titled, "Clean Water Act Permitting and Operational Discharges for Vessels." Now, there's one caveat with these two documents, and that is there has been congressional legislation since we gave these presentations. So you need to be aware for some of this discussion may be out of date at this time. And, once again, those are both available at our Web page at www.epa.gov/npdes/vessels.

So the first question here, do I need coverage under the Vessel General Permit? If you discharge into waters of the United States, you need to have an NPDES permit for those discharges, unless you meet one of the following exemptions.

If you're a recreational vessel, you do not have to have an NPDES permit. And the reason is because of recent congressional legislation, signed by the President on July 29, 2008. This bill, known as the Clean Boating Act, or Public Law 110-288, exempts any recreational vessel, regardless of size, and instead will regulate the discharges from recreational vessels under Section 312 of the Clean Water Act. EPA is currently evaluating discharges from recreational vessels and will be developing regulations for these vessels shortly.

If you're a vessel of the Armed Forces, as defined in Section 40 CFR 1700.3, you do not need an NPDES permit. These discharges are regulated under the Uniform National Discharge Standards program under Section 312 of the Clean Water Act.

Now, then, if you are a vessel less than 79 feet, or you're a commercial fishing vessel of any size, you do not have to have permit coverage unless you discharge ballast water. The reason is, is another congressional bill signed this summer on July 31, 2008, puts a two-year moratorium in place for these vessels that you do not have to have NPDES permit coverage. During that time, EPA will be conducting a study evaluating these discharges. If Congress chooses to act on the study and the report to Congress that EPA prepares, they may be exempted from NPDES permitting. If not, these vessels will need an NPDES permit as of July 31, 2010.

So, the first frequently asked question we're getting a lot, should I use the documented length of my vessel for determining whether my vessel is eligible for coverage for the purposes of the VGP? And, yes, this is the correct length to use. This is the length currently being used by the Coast Guard and most other U.S. regulations. So to determine the length of your vessel, do use the documented length as to whether you're subject to this permit or not.

And what if I don't want coverage under the Vessel General Permit? If you will be operating in waters of the United States and you will have incidental discharges, you must have an NPDES permit to discharge legally. For most permittees, the Vessel General Permit will be the most efficient approach to obtaining permit coverage. There may be some permittees, however, who may prefer an individual permit. If you would like to consider an individual permit, we advise you to look at the regulations at 40 CFR Parts 122.21 and 122.28, and these have instructions for submitting to EPA requests for individual permit coverage.

So, a little bit of background on the Vessel General Permit. On June 17, 2008, we proposed the general permit in the Federal Register. We actually proposed two permits at that time. The second one was the Recreational Vessel Permit, which we did not finalize due to the congressional legislation. We finalized this permit on December 18 -- the Vessel General Permit -- on December 18, 2008. It was published -- the notice of it was published in the Federal Register on December 29, 2008. And, once again, this final Vessel General Permit covers discharges incidental to normal operation of non-recreational vessels 79 feet or longer, except for commercial fishing vessels. And then for ballast water discharges, the permit covers all non-recreational vessels.

John Kosco: Great. Thanks, Ryan.

We do have our first poll question now, and, remember, this is appearing in your popup window, so make sure you click the appropriate radio button and hit Submit Answer. But we're asking how many people are participating in today's -- in the webcast at your location? So, if you're just watching it from your computer there, click the Just me button. If you have two to five people in the room, click that button; six to ten; eight to 20; or more than 20, if you're listening to it in a conference room. So we'll give people a couple of seconds here to submit their answers. This does help us get a good estimate of how many people are attending today and listening in, in addition to the number of computers we have logged in.

Let's see. We'll give people another minute or two here. I would note, also, that, as Ryan mentioned, on the vessels website, there will be a posting of today's presentation. You can download it off your console screen there, but it will also be posted up on the vessels website later today. Okay, well, let's see what the results are. And, as expected, about two-thirds of the people are listening in on their computer by themselves. We do have about 33 percent looking at about two to five people, and then a few locations with more people listening in.

So, let's go and ask the next poll question. The next question asks, which statement most represents why you are listening to today's webcast? The first answer is, I will be implementing the permit as a permittee, so I am owner or operator of a boat that would be responsible for applying for the Vessel General Permit. The next answer is, I am a government official and want to learn more about the permit terms. Next answer, I represent an environmental or trade group or other nonprofit group. Next answer, just curious, just want to -- I don't fall into any of those three previous categories, but I'm just curious and interested in listening to today's webcast. And then the last bullet is other -- maybe you don't have anything better to do today.

So let's look at some of the results. And, again, click the appropriate radio button and then submit the answer on that, and don't type the questions into the question box. But we will give everyone another second here to answer the questions. Okay, let's look at some of the results. So, approximately half of our audience is actually directly subject to the permit, which is great. You're the ones we're talking to directly. We have about 21 percent who are associated with the government and want to learn more about the permit terms. About 10 percent is environmental or trade group, 3 percent is just curious, and other, you don't fall into those other categories, about 15 percent. So, that's great.

And, now, our next topic here, we're actually going to take a couple of questions. So we're going to fire off some general questions to Ryan. Again, at the bottom of your screen is the Ask a Question box. You can submit your questions at any time during the presentation. So make sure you send those in. We're not going to be able to answer all your questions, but we will answer as many as we can.

So, Ryan, some of the first questions here are -- Steve asks, do U.S. government vessels need permit coverage?

Ryan Albert: That's a good question. Yes, U.S. government vessels, unless you are a vessel of the Armed Forces as defined in UNDS, you will need permit coverage.

John Kosco: Okay. Great. Next question asks, if I already have coverage under an NPDES permit, do I need to get coverage under the VGP, as well? And the questioner doesn't specify what type of NPDES permit.

Ryan Albert: That's a very good question. If you already have coverage under an NPDES permit for a discharge from a vessel, you likely have permit coverage for something that is not an incidental discharge, so perhaps for mining or as a seafood processor. Now, you are only eligible for coverage under this permit when you are engaged in a capacity of transportation. While you are not engaged in your industrial activities, you will need permit coverage for those incidental discharges such as your graywater or your bilgewater. But this is not to supplement or replace -- or, excuse me, this is not to replace the NPDES permit coverage you have for that other discharge.

John Kosco: Okay. Next question, Cathy asks, are there any differences in requirements based on the flag of the vessel -- for example, a U.S. versus a non-U.S.-flagged vessel?

Ryan Albert: That's also a very good question. There are -- there is no difference for requirements if you're a U.S.-flagged vessel or if you're an internationally flagged vessel. The Clean Water Act applies equally to any discharger into a water of the United States.

John Kosco: Okay. The next question, William asks, does each vessel in a fleet require its own permit, or can you have one permit cover multiple vessels in a fleet?

Ryan Albert: Well, that's a good question. I think what William means is does each vessel need its own Notice of Intent, and you will actually see this a little bit later, as well. Each vessel does need its own Notice of Intent that will require a Notice of Intent. There is one general permit. This is the general permit. And the permittee will seek coverage -- some of the permittees will have to seek coverage under a Notice of Intent. I will talk about that a little bit more than that.

John Kosco: Okay, great. Hoyt asks, how much does the VGP cost, and how long is it good for?

Ryan Albert: Both good questions. There is no cost associated with the VGP. EPA will not levy any fees as part of the Vessel General Permit. And the initial issuance of a Vessel General Permit is five years.

John Kosco: Free. We like that. Let's see, the next question asks, from Sally, do pleasure yachts that discharge ballast water need permit coverage?

Ryan Albert: The pleasure yachts will likely be covered by the Clean Boating Act, once again, Public Law 110-288, and will instead be regulated by Section 312 of the Clean Water Act once EPA and the Coast Guard promulgate appropriate regulations. So, in other words, they do not need NPDES permit coverage.

John Kosco: Okay. Next question is from Thomas, who asks, where under the UNDS or the EPA VGP do NOAA core vessels reside?

Ryan Albert: I would want to confirm this, because I'm not an attorney, but my understanding is they are not considered vessels of the Armed Forces and therefore would require NPDES permit coverage. However, to get an authoritative answer, you ought to look at the UNDS regulations. And please do send us an email after this presentation and we'll follow up with you directly with that question.

John Kosco: Okay. Bob asks, does the exemption for recreational vehicles cover commercially operated tour boats?

Ryan Albert: I would have to look at the definition for recreational vessels. I do not believe it does at this point, but, once again, I don't want to give an authoritative answer on that question.

John Kosco: Okay. Next question is from Marcus, who asks, since the VGP applies to all vessels 79 feet in length operating as a means of transportation, and that's highlighted, is it correct to say that vessels which are stacked, idle or out of service, are they exempted? What if a stacked vessel is being towed to a shipyard or scrap yard?

Ryan Albert: It's a good question. We're interpreting this to be in a capacity of transportation. If a vessel is out of service for a prolonged period of time they may not be eligible for coverage under this permit. What you have to keep in mind is that all vessels, regardless of whether they're engaged in a capacity of transportation or not, at this point, that do not have an exemption from NPDES permitting, will require an NPDES permit. Most vessels, we believe, are eligible for coverage under this permit. Those vessels that are not engaged in a capacity of transportation were not subject to the previous regulation, the exclusion from the Clean Water Act, and therefore should have had permit coverage for the past 35 years.

John Kosco: Okay. Next question, J.P. asks, in regards to commercial fishing vessels, are they only exempt for ballast water, or any discharge?

Ryan Albert: Commercial fishing vessels as of this time are exempt for all discharges except ballast water. If you are a commercial fishing vessel and you have ballast water, you must meet the ballast water requirements of this permit and the related recordkeeping and reporting requirements for ballast water for this permit. You do not have to meet any of the other requirements of this permit.

John Kosco: Okay. Let's take one more question from Mary, who asks, do the NPDES regulations, or, I guess, VGP, apply to drydocks and dock barges that are stationary and not used in the transportation or movement of product?

Ryan Albert: That's a very good question. We actually do address that question in the fact sheet for the Vessel General Permit, and you'll want to look in Section 3 of the fact sheet. I don't remember the exact page off the top of my head, but the basic answer is, drydocks, when they are not engaged in the capacity of transportation, are not eligible for coverage under this permit. They are typically covered by a state or other NPDES permit. Now, drydock operators, when the drydock is moving, or floating from one place to another, they have the option of seeking coverage under this permit, if appropriate and if not covered by their existing permit.

John Kosco: Okay, great. Thanks, Ryan.

We'll keep the questions coming in. Ryan will start on a permit overview. But, again, remember, as he goes through and talks about the presentation, just enter your questions in the Ask a Question box at the bottom of your screen. We do have several other Q&A breaks during the presentation.

Ryan Albert: Great, and thank you all. Those are very good questions, and you're making me think here, and I did not have enough coffee, I think, to be thinking quite this hard.

The permit overview -- once again, the initial issuance of this Vessel General Permit is national in scope. As of -- there will be an updated permit posted on the EPA Web page within the next couple of hours, and this permit will have coverage in all 50 U.S. states, in all territories and all tribes except for the Taos Pueblo lands. There are additional state-specific requirements added via the 401 certification process, and there are additional requirements submitted by 28 states and tribes, and I'll give a very brief overview of this toward the end of the presentation.

This was a question here. There are no EPA fees for the Vessel General Permit. We are not levying fees for you to seek coverage under this permit. And the permit covers the jurisdiction of all inland waters, so that includes the Great Lakes, as long as it's within the U.S. portion of the border, out to the three nautical mile Territorial Sea, so three nautical miles from the U.S. baseline.

Now, the actual structure of the permit -- Part 1 of the permit is Coverage Under the Permit. This contains your general information, standard requirements, your Notice of Intent, who must submit the Notice of Intent to obtain coverage under the permit, several other requirements, as well. Part 2 of the permit is your effluent limits and related requirements. This is really the meat or the heart of, from the EPA portion of the permit, what you must do to minimize the discharge of pollutants from your vessel.

Part 3 of the permit is a corrective action assessment; 4 includes the inspections, the monitoring - - mostly this is visual monitoring, but there will be some analytical monitoring for a small subset of vessels -- and your required reporting and any recordkeeping required under the permit. Part 5, there are several specific vessel classes that EPA identified as needing additional requirements or needing additional authorized discharges. Part 6 of the permit is where we included the state 401 certification conditions I mentioned just a minute ago for each state that submitted conditions. And then we have the appendices.

Now, if you want to follow along with me in this presentation, when I'm actually talking about these specific sections, if you look in the top right corner of the slide, you'll see the part of the permit I'm talking about, if you're ever lost or confused.

So, Part 1 -- Coverage Under the Permit. In this part of the permit we list all the vessel discharges that are eligible for coverage, and we also list several vessel discharges that are not eligible for coverage. So that list of incidental vessel discharges, as I mentioned before, includes

things such as ballast water and graywater and bilgewater and then also includes several discharge types that may only be present on 10 vessels that sail in the entire United States, or 100 vessels. You are only responsible for complying with the portions of the permit for those discharges which you have. If you do not have a boiler, you do not need to comply with the terms of the boiler blow-down section of the permit.

And those vessel discharges that are not eligible for coverage, those discharges previously permitted by NPDES. The rationale is these discharges are not incidental to the normal operation of a vessel and therefore not subject to the previous exclusion. Additionally, sewage is not subject to this permit. Sewage is regulated by Section 312 of the Clean Water Act. Used or spent oil, garbage or trash, medical waste or tetrachloroethylene degreasers are examples of discharges not subject to this permit, or not eligible for coverage under this permit. And this list of discharges is in Part 1 of the permit.

For most Clean Water Act general permits, or NPDES general permits, all permittees must file a Notice of Intent to obtain coverage. However, for the Vessel General Permit, only some permittees will have to file by September 19, 2009, to obtain coverage or to continue coverage. If you are greater or equal to 300 gross tons, or you have a ballast water capacity of at least eight cubic meters -- if you meet either of these conditions -- you must file a Notice of Intent. If you are less than 300 gross tons or you do not have the capacity to carry at least eight cubic meters of ballast water, you do not have to file a Notice of Intent. This means you do not have to submit the notice to EPA. However, you still must comply with the terms of the permit, though. This isn't truly a permit by rule. It's most equivalent to a permit by rule in that you are responsible for meeting these terms. Vessels that must submit the Notices of Intent can begin doing so on June 19, 2009. And then, once again, all other vessels will be granted coverage without submitting the Notice of Intent.

Now, that date of February 6, tomorrow, when vessels must start complying with the terms of the permit, from February 6 until September 19, 2009, you will have -- regardless of your size, you will receive automatic coverage for your permit. And I will discuss the NOIs a little bit more in just a minute.

So, frequently asked question, do we get -- can you submit your Notice of Intent before June 19, 2009? You could submit your Notice of Intent, but we actually recommend you do not do this. And the reason is that EPA will not process any of the notices before June 19, or basically they will come in and they will sit untouched until that time.

Additionally, we're currently working on tools to make it easier for you, the permittee, to file these Notices of Intent. One is that we're going to complete an electronic Notice of Intent system, which should reduce the amount of time each permittee has to take to fill out the forms, particularly for those permittees that have multiple Notices of Intent. A second thing we're going to do is create a fillable PDF form for anybody who wants to actually submit the paper form and submit it to us, as well.

John Kosco: Ryan, quick question, is the paper form available yet, or no?

Ryan Albert: The form is available in the back of the permit, in an appendix, in Part 10 of the permit. We'll talk about that in a minute. It will be difficult to fill in because it's small font, but you can print out that form and send it to us, if you like. Once again, however, we will not be doing anything with these forms until June 19. And we do strongly recommend that you wait until that time to submit us your Notice of Intent.

So, Part 2 -- the Vessel -- the VGP Effluent Limits and Related Requirements. We have this section divided into three parts.

Part 2.1 is the technology-based effluent limits that are applicable to all vessels. These are really good housekeeping types of limits and things that you as a vessel owner or operator are already doing onboard your vessel. The second part, Part 2.2, contains technology-based effluent limits for specific discharge types. These effluent limits were found to be appropriate for the management of the pollutants or constituents of concern found in a given specific discharge type. And, finally, Part 2.3, we have our water quality-based effluent limits.

Now, if you have questions about the difference between technology-based and water quality-based effluent limits, we would recommend that you go and look at one of the presentations that I had mentioned earlier, either the previous webcast or the other PowerPoint presentation available on our Web page and discusses the difference between those two.

So, Part 2.1 of the permit, we have five effluent limits that apply to all vessels and all discharge types for all vessels, and they are material storage, toxic and hazardous materials, fuel spills and overflow, discharges of oil and oily mixtures, and compliance with other regulations and statutes applicable to incidental discharges. And so, for example, the toxic and hazardous materials section, you need to locate any toxic and hazardous materials in protected areas of the vessel, and these materials need to be labeled and secured and stored in proper containers. For fuel spills and overflows, you must minimize any spills, and you must not overfill any of your tanks.

For discharges of oil and oily mixtures, for MARPOL vessels, there can be no discharges of oil greater than 15 parts per million, and non-MARPOL vessels can have no discharges of oil, including oily mixtures, in quantities that may be harmful. And oil in quantities that may be harmful is a defined term. We list that in Part 7 of the permit in the definitions section, and this comes directly from the Clean Water Act, Section 311 of the Clean Water Act.

Finally, the compliance with other regulations and statutes applicable to incidental discharges -- for example, the Act To Prevent Pollution from Ships, or the Federal Insecticide, Rodenticide, and -- oh, this is -- if I got a pop quiz on this, I wouldn't do too terribly well -- so, and Insecticide, sorry, I messed that up there, but FIFRA, and so you must comply with all requirements for those, as applicable to the incidental discharge types.

Okay, so, for discharge-specific effluent limits, there are 26 discharges identified, each with at least one best management practice associated with the discharge. And we're going to discuss a few highlights from these sections, so we're going to discuss six of them today. And the reason we're discussing these six is we expect these to be the most commonly found discharge types out

there. They will include deck washdown and runoff, bilgewater, ballast water, anti-foulant hull coatings, oil-to-sea interfaces and graywater.

So, deck washdown and runoff -- permittees, when they're using any cleaners and detergents, they must be phosphate-free. And this is, once again, defined in Part 7 of the permit. And it must be less than 0.5 percent phosphates by weight. They also must be nontoxic. And, once again, the definition of nontoxic is defined in Part 7 of the permit. We recommend, although do not require, that permittees use cleaners and detergents that are biodegradable and minimally caustic.

Permittees must maintain their decks and keep them tidy so that they minimize the discharge of garbage and other debris from their decks. So, basically, you just have to keep your vessel shipshape. Keep it in -- follow good marine practice and keep things in order. And, finally, minimize deck washdowns while in port. And we did define in port to mean while you're anchored, secured or otherwise moored, so not necessarily while you're in the harbor at large moving from one side to the other, but while you're stationary in that particular port.

Bilgewater -- and, once again, these things I mention, these are not everything you have in those sections, but these are selected highlights, and the things that are, in our opinion, likely most applicable to most vessel owners and operators -- so, for bilgewater, unless technologically infeasible to do so, or you must do so for safety and stability of your vessel, vessels greater than 400 tons which leave waters subject to this permit at least once per month must not -- or, excuse me, they may not discharge within one nautical mile of shore unless it's technologically infeasible to do so, between one and three nautical miles, unless they're sailing at least six knots, and into what we're calling Part 12 waters. And I'll discuss those in a minute, but, as a brief introduction, those are a list of all or many federally protected conservation areas, and many of which contain protected waters.

These discharges must not cause -- any discharges from bilgewater from all vessels, must not cause a visible sheen or otherwise be in a quantity that may be harmful. And any vessel owners or operators may not add any dispersants, detergents or other substances to remove the presence of this visible sheen in discharges.

So, as far as discharge specific limits for ballast water, as a starting point, this permit incorporates existing Coast Guard mandatory management exchange requirements. However, there are several additional enhancements to these requirements. Vessels engaged in Pacific Nearshore Voyages must conduct exchange greater than 50 nautical miles from shore. However, we do not include a requirement that they must deviate. So, if a vessel engaged in a Pacific Nearshore Voyage, and, once again, we do define Pacific Nearshore Voyage in the permit, if they sail more than 50 nautical miles from shore, they must do ballast water exchange. Furthermore, any vessels entering U.S. waters from outside the United States Exclusive Economic Zone that have residual ballast water and sediment, or are considered NOBOBs, must do saltwater flushing. Likewise, they must do it for Pacific Nearshore Voyages, as well.

If a vessel is capable, they must use shore-based treatment if it's available and economically practicable and achievable. Another requirement, and this is a new one from the Coast Guard requirements, you must conduct your exchange as early as practicable. Preferably, this means

earlier in your voyage than later in your voyage. And the reason for this is if you conduct your exchange earlier than later there'll be a higher mortality of living organisms in your ballast water tank. This may, in turn, reduce the likelihood of there being a successful invasive species introduction.

Finally, all exchange/flushing requirements do have a safety exemption, and none of these mandate diversion. Another thing to note is you do not have to do exchange or flushing if you use a Coast Guard-approved treatment device or if you are involved in the Coast Guard STEP program. And, finally, as many of you know, ballast water treatment technologies are evolving very rapidly. There's a reopener clause in the permit to allow for inclusion of a stringent standard, a more stringent standard, such as a living organism discharge standard, if appropriate before permit reissuance, so before five years.

And just to note here, I'll talk about it in a minute, several states have included additional ballast water treatment standards. If you will be sailing into a given state's waters, you need to look at Part 6 of the permit to see what requirements each individual state has applied for the ballast water treatment discharges.

For anti-foulant hull coatings, all hull coatings are subject to FIFRA, and this is if they're produced for sale or distribution in the United States. No coatings may contain any materials banned for use in the United States. A common question we get is, does this mean they have to be registered for FIFRA, and, no, it does not. But what it does mean is they may not actively be banned for use in the United States. You may not use a chemical such as TBT, let's say, that's actively banned for use in the United States.

At time of reapplication, permittees must give consideration for biocides with the lowest release rate, as appropriate. Some harbors and marinas have higher growth rates and more living organisms, and so you may need a biocide with a higher release rate, or your coating with a higher release rate of biocide.

If you spend more than 30 days in a copper-impaired water, you must consider non-copper-based alternatives. A list of copper-impaired waters is available on our Web page. And if you still decide you must, in fact, use copper-based biocide, you must document why that decision was reached.

And, finally, any vessel that seeks permit coverage under this permit must not have any organotin discharges. In other words, they can't be coated with tributyltin, or TBT. And if you're currently coated in TBT you must remove that TBT coating or you must overcoat before sailing in U.S. waters.

Oil-to-sea interfaces -- from the proposed permit to the final permit, this is actually a consolidated section that includes three previous sections, and it includes any oil-to-sea interface. And all these oil-sea interfaces are subject to limitations for discharge of oil, including oily materials found in Part 2.1.4 of the permit. For example, they may not cause a visible sheen. Additionally, you must maintain all seals to minimize the discharge and perform maintenance on these particular interfaces when the vessel is out of the water, if feasible. A specific thing, if

you're performing maintenance on stern tubes in the water, you must have ready access to appropriate spill response resources. And we encourage you to use environmentally preferable lubricants, when feasible. However, use of these environmentally preferable lubricants does not authorize discharges in quantities that may be harmful.

Now, once again, do please keep in mind, this is just some of the particular requirements from 2.2.9. There are additional requirements there, as well, such as if you use wire ropes and you lubricate those ropes, you need to wipe them down before you put them back into the water.

Graywater -- 2.2.15. And graywater, as an example requirement, says you must use phosphate-free and nontoxic soaps and detergents. All vessels must minimize the discharge in port. And minimize, the definition of minimize, is at the start of Part 2 of the permit. This is a defined term in the permit. If your vessel is over 400 gross tons, you regularly leave waters subject to this permit and you have storage capacity, you may not discharge untreated graywater within one nautical mile of shore. And if you do have storage capacity and you do not leave waters subject to this permit, you must use onshore treatment for -- you must treat your graywater or use onshore treatment, if facilities are available and disposal is economically practicable and achievable.

So, water quality-based effluent limits, Part 2.3 of the permit. These are narrative limits in the permit, and they basically -- the summary is each permittee must control its discharge as necessary to meet applicable water quality standards. If you become aware, if EPA is made aware or you're made aware, that one of your discharges is violating these standards, you must take all necessary steps to stop violating these water quality standards. And you may find out -- many -- most of you likely will find out you're not violating water quality standards. However, if you do find out, you may find out via information posted from -- EPA may contact you or other information that you become aware of.

John Kosco: Oh, thanks, Ryan. We are here for the next poll question. Your next poll question we ask, if you're a future permittee -- so, about, as we saw earlier, about half of our audience is -- answered that they were subject to this permit -- how many vessels do you estimate will need coverage or need to submit NOIs? So if you've got just one vessel that you're aware of that will need NOI, for permit coverage, click the first radio button; two to ten vessels, click the second; 11 to 100, click the next; 101 to 1,000 vessels, click the fourth button; and more than 1,000, click the last button. And, again, this is asking you to submit the poll question in that popup window and click the Submit Answer button. Do not submit your question in the Ask a Question box. And we will give people here a second to submit their answers.

Ryan, while they're doing that, we did have a question come up asking about where to get information on the VGP and the NOI-related information. Can you give out that website address again?

Ryan Albert: Yes. Once again, the best website to go to is www.epa.gov/npdes/vessels, and I believe the address should be listed on the left side of your console. Now, if you actually go to this website, what you're going to do is you're going to see a copy of the Vessel General Permit itself. You'll see a copy of the Vessel General Permit Fact Sheet, which explains many of the

provisions in the permit, and it also explains the logic or rationale for why EPA included them. And it also contains additional information, including the economic analysis that EPA has prepared, and several other sources, as well. It gives some background on it. And at the bottom it has a few additional links.

Now, before you go and download the permit right now, I would recommend you wait just a couple of hours to do it, because there will be an updated permit that will be posted, once again, within the next couple of hours, due to some modifications of the 401 certifications, which I'll talk about in a moment.

John Kosco: Great. Thanks, Ryan.

Last chance to submit any results on this. Going once, going twice. Let's look at the results now. So, it looks like the majority of people have between two to ten or 11 to 100 vessels that they anticipate coverage under the Vessel General Permit, and we do have a few people listening in that have a very significant number of vessels they plan to cover.

Ryan Albert: And the reason we ask this question is, as I mentioned before, we are putting some significant resources into trying to ease the completion of the NOI for those of you who really have significant number of NOIs, those who have more than 50 or 100 NOIs. So hopefully, these resources, they will be available in June, and it will ease your filling out those Notices of Intent.

John Kosco: Great. Thanks, Ryan.

We do have one more poll question before we take a break for the next Q&A session. This poll question asks, for a future EPA webcast to be held this summer, I would like information on how to complete NOIs in the eNOI system; the second answer, more information on specific permit terms, for example, recordkeeping; the third answer is, some other information; or the fourth, none, I will have little trouble implementing the VGP. So please click the appropriate radio button there.

I would say if you are clicking the Other button, it would be helpful to click -- put in the Ask a Question box what type of additional information you would like to see in the webcast. So you can use the Ask a Question box for that. Just make sure you clarify in there future webcast topic when you do that. And you can also, when we do the survey at the end of the webcast, that will be also one of the questions in the survey.

So, again, please click the button for the information you would like to see in a future webcast. And we'll give people just a second here to submit those answers.

Ryan, one of the also common questions seems to be popping up is, are the vessels automatically covered under this permit, or do they have to send in that paper NOI before they're covered? I think we've answered that earlier, but let's reinforce that.

Ryan Albert: Yes, just to clarify, all vessels are covered until September 19, 2009, automatically. If you are a vessel that's greater or larger than 300 gross tons or you have the

capacity to carry more than eight cubic meters of ballast water, which is about 2,100 gallons of ballast water, then you must submit a Notice of Intent between June 19 and September 19 to continue coverage past September 19.

John Kosco: Great. Okay, well, let's push the latest results and see what people say. Looks like most of the people need more information on the specific permit terms, as you can see, almost two-thirds of the people; about 25 percent are looking for information on how to complete the NOIs in the electronic NOI reporting system. And then we have some other topics there which we'll consider. And, again, remember, on the survey at the end you can also submit additional topics.

All right, so let's take a couple of questions now from the audience. One of the first questions, Ryan, we have comes from Curtis, who asks, if a vessel has not filed an NOI in its charter to come to the U.S., what is the waiting period, if any, before the vessel can actually enter U.S. waters?

Ryan Albert: If a vessel is -- files for the NOI before September 19, there is no waiting period. If a vessel files after September 19, there is a 30-day waiting period. Now, what we advise is that if you think you may be coming to waters of the United States with your vessel, you should complete a Notice of Intent so that you do not have to worry about that waiting period moving forward.

Another thing to note, and the common question we get is, do you have to submit a Notice of Intent followed by a Notice of Termination every time you leave waters of the United States, and the answer there is no. You only have to submit a Notice of Intent one time. So if you're an international vessel and you will expect to come to waters of the United States in the next five years, but it's only sporadically, once every three months or once every six months, we would recommend you go on and submit the Notice of Intent early on, and it will provide coverage for you for the full five-year permit term.

John Kosco: Okay. The next question comes from Mike, who asks, does the definition of vessel include barges?

Ryan Albert: Yes, the definition of vessel does include barges.

John Kosco: Okay. And then related to that, John asks, he has a barge with engines to move cargo. Engines have a saltwater discharge. Do I have to monitor temperature, volumes, etc., from this?

Ryan Albert: That's a good question, and we'll discuss the monitoring in just a minute in a bit more detail. But you do not have to do any analytical monitoring of your discharge for those requirements put forth here by EPA in the permit. You will have to do visual monitoring once per quarter for those discharge types that you can -- that are accessible, so that, for example, you just basically need to take a clear glass jar or similar device and visually look at that discharge, if, once again, it's accessible, just to be sure you're not putting out oily water or discolored water, just to be sure your engine would be operating appropriately.

John Kosco: Okay. Thanks. We have a couple of questions, or at least two questions, on graywater. David asks, if a large ferry's graywater is not piped into its sewage holding tanks, and its holding tanks do not have excess capacity, then what does the owner/operator have to do to comply with the VGP?

Ryan Albert: That's a very good question. For the ferry, for the large ferry, there are those requirements under 2.2.15, and note, they say, if you have holding capacity -- in that case, you do not currently have holding capacity. So for the EPA portion of the permit you will not have to install additional holding capacity or you will not have to re-pipe your vessel now.

However, do note that some states in their Part 6 requirements have put additional requirements in there for graywater discharges from larger vessels. So you need to check which states you'll be operating in and check their conditions in Part 6 of the permit, and you will have to meet those conditions.

There are also additional graywater requirements for large ferries under Part 5.3 of the permit, and I can discuss those in a bit, but do be sure to read that section, as well, because it does have some supplemental requirements for you as a large ferry.

John Kosco: Okay. In a somewhat related graywater question, Richard asks, Section 2.2.15 of the permit covers graywater and says all vessels must minimize the discharge of graywater while in port. Assuming the graywater from a dishwasher or clothes washer does not discharge through a marine sanitation device, does just prohibiting the use of these dishwashers, clothes washers while in port meet the permit requirements or additional requirements necessary?

Ryan Albert: In that case, it most definitely would. That would qualify as minimizing. There may just be some things, for example, to minimize. If you don't have any ability to store your graywater, it may just be a simple approach just to minimize those activities which generate graywater when you're stationary when possible, or when feasible.

John Kosco: Okay. Kind of a general question, Heather asks, it's still unclear to her as to whether the VGP is a general document in existence they have to comply with or whether or not they actually have to apply for this through the NOI and have a piece of paper on their vessel that documents they applied.

Ryan Albert: Okay. Well, it's kind of a hybrid of what you're saying. Until September 19, you just have to comply with it, much like you would have to comply with a regulation. After September 19, you must submit that Notice of Intent. Now, we did not include a specific requirement that you have to keep it onboard your vessel, because there are several unmanned vessels, and there may not be an appropriate place to keep the document. However, for certain vessels it would be advisable to have it onboard the vessel so that you and your crew know what to do to comply with the terms of the permit.

John Kosco: Okay. Let's see, next question asks, in regard to the NOIs, Heather asks, do you have an estimate of how many NOIs you're anticipating receiving, and does EPA feel that you

have adequate resources available to process these NOIs within the three-month time frame? What contingency plan is there in the event that all NOIs are not processed?

Ryan Albert: Those are very good questions. We will -- in terms of getting the NOIs, we anticipate getting right now about 50,000 NOIs from permittees, according to the databases we use. As you all -- many of you may know, we did not get additional resources to implement this permit. However, we do anticipate processing all NOIs received during a reasonable period of time. We are building systems to be able to do so.

John Kosco: Okay. Frank asks, between now and the time when the NOI can be filed, what documentation or recordkeeping should a vessel owner/operator be maintaining in order to be in compliance with the VGP? We'll be covering that later, but --

Ryan Albert: We will be covering the recordkeeping and corrective action assessment. Even though you do not have to submit that Notice of Intent for things such as recordkeeping, you will have to start doing your recordkeeping documentation and your corrective action assessments, when appropriate, for those sorts of things starting February 19. So you will have to keep this recordkeeping onboard in a couple of weeks, even though you will not have to submit the notice of intent until June, or September, I should say.

John Kosco: Okay. Next question comes from David, who asks, if, after discharging ballast from previously exchanged ballast tanks, do you have to saltwater flush those empty tanks prior to entering another COTP?

Ryan Albert: Okay, so the question is, if you are sailing from one port to another and you complete a ballast water exchange, let's say, in the Pacific ports, and then you're sailing back and you have to do -- and you've discharged all of your ballast water and you have no ballast water onboard, so you're considered a NOBOB at that point, if you then sail back to another port you do not have to do ballast water exchange provided you have not taken up any new ballast water at that port and that it's clear that you conducted ballast water exchange on your previous voyage. We have realized since that there is some ambiguity in the permit language with that regard, and we will be issuing a question-and-answer document shortly to clarify that, within the next month or month and a half.

John Kosco: Okay. Tom asks, since current clean water regulations exempt coastwise vessels from ballast exchange when in crude oil transport service, does this regulation overrule the exemption?

Ryan Albert: The exemption you're referring to is under the National Invasive Species Act, NISA, NANPCA/NISA. The Clean Water Act is a completely different statute, and, as a result of this court ruling, we now have dual regulation for many of these discharge types, including ballast water. Ballast water is subject to NISA, but it's also now subject to Clean Water Act. NISA has that exemption you are talking about. The Clean Water Act does not have that exemption. So even though these coastwise crude oil tankers will be exempt from all NISA requirements, they are not exempt from Clean Water Act requirements, and they must meet the requirements of this permit, including those requirements for ballast water.

John Kosco: Okay. Next question comes from Lindsay, who asks, since blackwater would be covered under a different section of the Clean Water Act, do vessels need to get a different NPDES permit to regulate blackwater?

Ryan Albert: No, they do not. Section 312 is a regulation that you merely must meet the terms of that regulation, which is you have to use a type-approved device for the treatment of your blackwater. Now, one thing we do say for this permit is, if your graywater is mixed with blackwater, your graywater is mixed with sewage, one of the discharge types, I believe it's 2.2.25, is graywater mixed with sewage. And what that means is if you mix your graywater with sewage, you must meet both the terms of this permit for graywater, and you also must meet Section 312 requirements for blackwater or for sewage.

John Kosco: Okay. Next question is from Marinis, who asks, is the tonnage threshold of 300 GRT based on regulatory or International Tonnage Convention, ITC, measurements? If ITC, what do vessel owners do if their vessel has never been measured under ITC, such as a U.S. flagged vessel engaged exclusively in domestic service, which does not have that requirement?

Ryan Albert: Okay. That's a good question. For the NOIs, we required, originally in a proposed permit, required you had to submit a Notice of Intent if you were greater than 300 gross registered tons. Based on comments particularly from many international shippers that they didn't use the gross registered tonnage system, but they used gross tonnage, we changed that to 300 gross tons.

Now, then, if you are a vessel owner/operator and you use gross registered tons, gross registered ton is always less than a gross ton. So, for our purposes, if you just want to use your gross registered tonnage for completion of your NOI for your threshold as to whether you need to submit a Notice of Intent or not, that is okay, because even though it's not a direct correlation, a vessel that's 300 gross tons may be 400 gross registered tons. So that way, if you're 300 gross registered tons, you will be submitting a Notice of Intent when you need to do so.

John Kosco: Okay.

Ryan Albert: And if that answer was not clear, send in a follow-up question, because that's an important one.

John Kosco: We'll take one more question before we go into the next set of slides. Jim asks, does the VGP cover discharges of bilgewater with a concentration of 15 parts per million or less of oil?

Ryan Albert: The VGP does cover bilgewater. That's covered under Part 2.2.15. There are additional requirements with bilgewater, some of which I went through just a minute ago, but you can actually go to Part 2.2.15 to see the specific requirements for bilgewater for your vessels. And those requirements do vary dependent upon location and vessel size.

John Kosco: Does it talk at all about concentration of oil?

Ryan Albert: It does say that you have to be below 15 parts per million if you're a vessel larger than 400 gross tons, and if you're a vessel less than 400 gross tons, you may not discharge in quantities that may be harmful, which roughly correlate to 15 parts per million. Basically that causes a visible sheen. At approximately a concentration of 15 parts per million, the oily discharge will cause a visible sheen.

John Kosco: Okay. Great. Well, the questions are pouring in. We literally have several hundred questions or more. And keep sending them in. But now Ryan will start by covering Part 3 of the VGP.

Ryan Albert: So Part 3 of the VGP is really designed as a chance for the permittee to, when they find problems, to quickly and efficiently correct those problems. It's important to note that this permit requires if you as a permittee become aware of a problem, you must take corrective action to fix that problem. It's also important to note that the original exceedance of that effluent limit is a permit violation. However, if you fail to take the corrective action within your specified time period, dependent on the type of corrective action, then that is a second permit violation. So, in fact, if you notice there's a permit -- if you notice you exceed an effluent limit, that is a permit violation. However, if you fail to take the corrective action necessary, that's a secondary permit violation.

Now, the corrective actions, there are schedules for when they must be taken. And a minor change, something, let's say you have material stored in a certain area of a vessel or not properly labeled, these sorts of problems must be fixed or remedied within two weeks. If it's a major change, if you have something that requires new parts or you need a new fitting or a new valve, these changes must be made within three months. And if it's a major renovation -- this is something, let's say you need to replumb the vessel or install a major new piece of equipment that requires drydocking, then you need to do so within the next drydocking. And we understand this is typically a five-year cycle. For some vessels it's two, and for some vessels it's as much as seven.

Now, we have received the question, why didn't EPA apply a bright-line test to what is minor versus major? And, as all of you know, this permit is designed to cover a wide variety of vessels and vessel classes. So we are expecting the permittee to be able to distinguish between minor changes and major changes. However, it is pretty clear that things such as, once again use that example of moving or properly labeling materials, is something that is really a minor change, whereas replumbing a vessel is a major renovation.

That section of the permit is actually quite a short one. It's only about two or three pages long. And then we get to Part 4 of the permit, which has our inspections and monitoring and then also has our recordkeeping and reporting. The inspections and monitoring will be how many of you will likely discover if you have any problems. And this permit actually requires three types of inspections and self-inspections, one of which is a routine visual inspection. And this routine visual inspection is to be conducted the greater of either once per voyage, to the extent of a maximum of once per day, or once per week, so no less than once per week.

Basically, for -- we received many comments from folks, particularly ferry operators who may cross from one side of a river to another, saying, "We take 100 voyages per day." In the proposed permit we actually said you have to do it once per voyage. Based on these comments, we did change that to a maximum of once per day. Now, this routine visual inspection is really maybe a slight enhancement of what the best marine practice may already be to keep your vessel tidy. You need to assure that areas are free of garbage and oil and other pollutants. You just need to be sure that there isn't any obvious areas where there are spills, so on and so forth, there.

Now, the annual vessel inspection is designed to be more comprehensive and must focus on areas likely to generate harmful pollution or violate effluent limits. And this is really where you get back in the nooks and crannies of the vessel more than your routine vessel inspection.

However, we do not expect you, for your annual inspection, to do a drydocking every single time. We have a third type of inspection, which is your drydock inspection. And this is really an inspection we expect to be very thorough, to look at all portions of your vessel, such as your hull, be sure there are no attached living organisms to your hull, for instance. We do not mandate additional drydocking for this inspection. However, we do expect it to be done every time you drydock your vessel.

Now, there is analytical monitoring for select cruise ships and vessels with experimental ballast water treatment systems, and I'll discuss that in a minute.

And another thing to note, I did mention this earlier, is we do have quarterly visual inspection. And for this quarterly visual inspection, once per quarter you must visually inspect your discharge types that are easily accessible or readily visible. And, as I mentioned, this could be something as simple as going down with a jar, a clear glass jar, and taking a small sample and looking at that sample to be sure there's no obvious visible indicators of pollutants or oily sheens, and, if there are such visible indicators of pollutants or oily sheens that indicate they violate Part 2 of the permit, then you need to undergo a corrective action assessment to determine if you need to take corrective action.

Now, for the recordkeeping and reporting, the recordkeeping, many of these records are those that most vessel owners and operators are already keeping, including the owner and voyage information, additional maintenance and discharge information, and then those things, additional things for this particular permit. For instance, you have, if you claim any safety exemptions, any of your monitoring and inspection results, so on and so forth there.

There's also reporting required. Much of this is already required by the Coast Guard, for example, your ballast water release. There's other things that are already required by the existing EPA regulation that we have incorporated into this permit, such as any spills that endanger health or welfare, any spills of oily materials, and any -- a standard permit regulation for all NPDES permits is if you have any noncompliance you must report that noncompliance once per year to EPA. And we give instructions on where to report that noncompliance in Part 4 of the permit.

And, finally, there are Discharge Monitoring Reports for select cruise ships and vessels with experimental ballast water treatment systems. These Discharge Monitoring Reports are a

standard EPA form. They may be a bit confusing to somebody who hasn't ever filled one of these out before. But do, if you have questions about filling out the DMR, Discharge Monitoring Report, please do contact us. Also, within about two years we're planning on developing for these vessels an electronic or e-reporting system that will be specifically tailored to vessels who must report analytical results to us.

And then Part 5 of the permit, this is the vessel class-specific requirements. And, once again, this is for vessels so they have additional effluent limits, if appropriate, or additional authorized discharges. And, as you can see on your screen, there's eight different types of vessels. And these include medium and large cruise ships. A medium cruise ship is defined as a cruise ship that is able to carry between 100 and 499 passengers for hire and does provide overnight accommodations. You have large cruise ships, and these are cruise ships that provide more -- are able to carry more than 500 passengers for hire and also provides overnight accommodations. We also have some additional effluent limits and authorized discharges for large ferries, oil and petroleum tankers, barges, research vessels and emergency vessels, and then, finally, vessels with experimental ballast water treatment systems.

So cruise ship requirements -- for the cruise ship requirements for both medium and large cruise ships, if you're discharging -- or, excuse me, if you're discharging within one nautical mile from shore, large cruise ships and most medium cruise ships must meet secondary treatment standards for graywater if they -- once, again, if they discharge within one nautical mile from shore. These requirements are listed in Parts 5.1 and 5.2 of the permit.

The one group of medium cruise ships that do not have to meet these standards now are existing medium cruise ships which do not voyage more than one nautical mile from shore. And EPA included this specifically for riverboats, that it may not be economically achievable for them to put in these systems immediately. However, any new construction, and new construction includes major renovations of these medium cruise ships, if any vessels undergo these major renovations or if a vessel is newly constructed, they must have the capacity to treat graywater with these secondary standards.

Now, if you will be discharging graywater through one of these systems, it does require limited monitoring. You must do initial monitoring five times to show system effectiveness. And then you have to do maintenance monitoring four times per year after that -- once per quarter, approximately.

If you discharge between one and three nautical miles, you must either meet these secondary standards, or, alternatively, you may be sailing underway at a speed of at least six knots.

For both medium and large cruise ships, there's also discharge location limitations. For instance, if the vessel has capacity, both the medium and large cruise ships must hold that discharge in nutrient-impaired estuaries. And the nutrient-impaired waters, a full list of nutrient-impaired waters, including small creeks, is listed on our Web page here as of -- and they're nutrient-impaired waters as of May of last year. We will be updating that list approximately annually, so we will keep that list current.

If you are a large cruise ship and you do not have the capacity to hold, you must discharge to meet those -- or you must treat to meet those secondary standards that I discussed above there. And if you're a medium cruise ship, you must either discharge to meet those standards or moving at a speed of at least six knots, or discharge it to an onshore treatment facility.

Additionally, cruise ships have additional education and training requirements, and there are additional authorized discharges and requirements for pool and hot tub discharges, and these originated out of our public comment period.

Now, our other vessel-specific section, these are our barges and our oil tankers, once again, they contain additional authorized discharges or effluent limits, as appropriate. For some things there are supplemental education requirements, for large ferries and tankers. And then there are supplemental inspection requirements, for instance, for barges or tankers, that are applicable when these vessels are engaged in certain activities. For instance, a barge may be pumping water from below its hold, and the vessel operator, when the barge is pumping water, must inspect the surrounding water for presence of a visible sheen.

We've had a lot of questions in terms of what qualifies as appropriate education requirements. Will EPA be issuing a certification program or something along these lines? The basic short response to what qualifies as appropriate education is the crew or the people implementing the relevant permit terms must know how to properly implement the permit conditions. And we did not specify, because this varies from permittee to permittee, depending upon the vessel, so we did not want to be overly prescriptive here.

And then we have our experimental ballast water treatment systems. Now, EPA, when designing this section, we very specifically were designing this as a screening test to be sure that these experimental ballast water treatment systems would not cause a negative environmental impact from the residual biocides when they discharge. But, also, we, as an agency, do not want to be an impediment to the very necessary development of effective ballast water treatment systems. So, for those permittees or those discharge systems that will be discharging residual ballast water limits, they must meet the appropriate limits.

And, once again, this is really designed as a screening test. If the biocide and the expected residual have water quality criteria, and this is -- these water quality criteria can be found at EPA's Gold Book, and the link is provided in Part 5.8 of the permit, if your biocide or any expected derivatives have these water quality criteria, they must be lower than existing acute water quality criteria, except for a biocide such as chlorine, which must be lower than 100 micrograms per liter, which is actually a little bit higher than its acute water quality criteria.

Now, if biocides or expected residuals do not have water quality criteria, you must conduct whole effluent toxicity testing. Now, if you're going to do the residual -- the standard testing for the biocides with water quality criteria, you must do initial testing five times in the first 90 days and four times per year thereafter to make sure the system is still properly functioning. If you're doing your WET testing, you must do your initial WET testing twice, followed by doing that WET testing once per year. And the specific procedures for that WET testing and the limits are

spelled out. The limits are spelled out in Part 5.8 of the permit here, and then specific procedures for conducting that WET testing are outlined in Appendix J, or Part 15 of the permit here.

Now, if permittees do not meet these or are unable to meet these terms, they may seek individual permit coverage by following the regulations as discussed earlier in this permit.

John Kosco: Great. Thanks, Ryan.

Okay. We're going to take another poll question now. And what we'd like to know now is how did you hear about the Vessel General Permit? So, again, like you did before, click on the appropriate radio button. You heard about the Vessel General Permit through the Federal Register, through EPA outreach, a news outlet -- a newspaper, magazine, etc., a specific trade group, other nonprofit, or the last option is some other venue. So, again, click the appropriate radio button, and we'll give people a half a minute to respond to this.

I would like to note, we did an estimate of the total attendance here. We have over 500 individual sites signed in, and, based on the previous poll question, we estimate almost 1,200 people are listening in to the webcast today. This webcast will be archived in a couple of weeks, so you're able to download it, listen in to it on your iPod, or whatnot. So we will have additional people that are able to listen to us also.

So, again, enter your responses. Let's take a look and see how people heard about the Vessel General Permit. It looks like most of the people heard about it through their trade group, but some people through EPA outreach and other means. So, again, we appreciate everyone listening in, and we'll take the next question-and-answer period.

All right, Ryan. You ready again?

All right. The first question is from John, who asks, do you have to develop a plan to comply with the VGP?

Ryan Albert: You do not have to develop a plan to comply with the VGP. For some permittees, that may be appropriate. They may like to develop a plan. It might be an easy tool. We do not necessarily require a specific plan, because many permittees already have existing plans that they may use to reach environmental compliance goals. And the VGP can be -- requirements to meet the VGP can be incorporated into those existing plans. However, if you find it to be a useful tool, we would encourage you to do so.

John Kosco: Okay. Next question is from Joe, who asks -- and I think this is specifically on the very last slide you just covered -- how would you recommend ballast water treatment technology providers approach EPA with any innovative solutions or new technologies?

Ryan Albert: That's a good question. EPA will continue to evaluate ballast water treatment systems moving forward. EPA has been an active participant in working with the Coast Guard and at IMO for many of the past years. We're not in the process of actually evaluating the systems for our own use, however, but we will start doing that moving forward.

You are always more than welcome to contact us at EPA. As part of our evaluating treatment systems, we are going to be looking at evaluating third-party data that has solid QA, quality assurance, QC, quality control, procedures, and will be developing any rules or other appropriate approaches for evaluating these technologies.

EPA will also primarily be working with the Coast Guard in evaluating these treatment systems. As many of you are aware, the Coast Guard has been taking a very active lead in ballast water treatment technology evaluation. They are highly skilled, and they really have quite a lot of experience. We will be looking to them for their experience over the next several years, as well.

John Kosco: Okay. Okay, next question, we'll ask a couple of questions in terms of the inspections. Andrew asks, does the routine weekly inspection need to be carried out when the ship is outside of U.S. waters?

Ryan Albert: If you will be entering U.S. waters within the course of that voyage, then, yes, it does need to be conducted before you enter U.S. waters. If you are outside of U.S. waters and you'll be outside of U.S. waters for six months, you do not have to do that inspection so long as you won't be entering U.S. waters within the course of the next voyage. However, we do caution, if you're going to have two different management approaches, just be careful that whenever you enter U.S. waters you're in full compliance with all conditions of this permit.

John Kosco: Okay. A related question on inspections, David asks, if a vessel is out of service, laid up, not operating with a crew, does this vessel require any inspections during the period of nonuse? And we'll assume, I guess, it's in U.S. waters.

Ryan Albert: Assuming it's in U.S. waters, yes, it would require inspections. However, do take care, because vessels that have not engaged in a capacity of transportation -- in other words, laid up for multi-months or yearly periods -- that really no longer have normal discharges are not eligible for coverage under the permit. However, in 99.9 percent of cases of vessels being laid up, it still would have normal discharges that would still be incidental to the vessel operating in a capacity of transportation and would be eligible for coverage.

John Kosco: Okay. Next question is, June asks, does the drydock inspection have to be certified by a classification society?

Ryan Albert: No, it does not. But we do require that it is signed by a qualified official, which is basically somebody who is qualified to conduct the inspection. So, for instance, if you're a large vessel and you have an onboard engineer, they could be the one to conduct the inspection, provided that they're able to look for the relevant portions of a vessel, such as, let's say once again the hull, since that's the example I used earlier, to inspect to be sure that the hull is free from attached living organisms, be sure that all environmental pollution control equipment is operating appropriately. This person may be okay, as well. We leave it to the discretion of the vessel owner/operator. However, ultimately, the vessel owner/operator, whoever the permittee is, is responsible for the quality of that inspection.

John Kosco: Okay. Again on this section, Christos asks, do we have to include divers' inspection in the annual inspection?

Ryan Albert: No, you do not. If you have your vessel inspected by divers, then it would be worth writing that down, because that is good documentation for how you maintain your vessel. However, we do not explicitly require divers' inspections.

John Kosco: Okay. Stanislav asks, is there also a requirement -- there is also a requirement for a ship's watch inspection to be maintained for pollutants. How can this be implemented in practice?

Ryan Albert: In practice, what we're really looking for is, once again, to reinforce good marine practice. Keep an eye out. Make sure you aren't trailing any visible sheens behind the vessel as you're looking out. If you walk the decks, be sure that there aren't any obvious issues, with, once again, oil being the best example, dripping oil components, that you don't have trash blowing around the deck. And, if so, then you need to take adequate measures to correct whatever the problem may be.

John Kosco: Okay. Question about barges, Gerald asks, the VGP requires that required records for barges be maintained aboard the accompanying tug. Inland barges, however, routinely and frequently are towed by different towing vessels, often in the same day. Can the required records for barges be maintained ashore?

Ryan Albert: If you are maintaining hard copy records, they must be maintained on the tug or on the barge itself, but they need to be with the vessel itself, so that way, when an inspector comes, the inspector has ready access to those vessels. Now, if you're maintaining electronic records, and those electronic records are immediately available to the tug operator such that they can immediately produce them for the inspector, then you could maintain the central database on shore once again, so long as those high-quality electronic records can be immediately produced.

John Kosco: Okay. Rakesh asks, again, on inspections, how do foreign-flagged vessels comply with the weekly, quarterly, annual inspection requirements when they visit U.S. waters for only short periods every year? What inspection or records would be expected from a vessel which is arriving into the U.S. after a gap of more than a year? I'll leave it at that.

Ryan Albert: Okay. Basically, once again, when you enter U.S. waters, you must be in full compliance with the permit. And so what that means is, of course, once again we're not requiring you to do your voyage inspections outside U.S. waters if you only come once per year, but it has to have been done before you enter waters subject to this permit.

Now, likewise, the annual inspection, or the drydock inspections, if you're ever going to come to waters subject to this permit, you really ought to do your annual and drydock inspections, particularly drydock inspections, because if you get inspected, if you enter waters of the U.S. and you get inspected, we're going to look and say, "Have you done your annual inspection within the past 12 months? Did you do your drydock inspection with your last drydock?" However, we're not going to look back and say, "Did you do your routine inspection four months ago?"

We'll look back and say, "Have you done your routine inspection on your voyage before entering waters subject to this permit?"

And the rationale there is this. Those particular inspections will affect the quality of your discharge when you're in waters subject to this permit, or waters of the United States. And so if you do your annual inspection once a year, you may discover a problem that's an environmental issue that you may be able to correct before coming back into waters subject to this permit, so it'll improve the environmental quality of U.S. waters, and then, as an added bonus, it may end up improving environmental quality in other waters, as well.

John Kosco: Okay. Jennifer asks, must every routine visual inspection be logged or recorded, even if no deficiency or nonconformity is found?

Ryan Albert: Yes. When you conduct every routine inspection, you must note that you completed the inspection. You do not have to say that, "I inspected this particular portion," but you do need to note you completed it and the appropriate official needs to sign that the routine inspection was completed.

John Kosco: Okay. Chris asks, for quarterly sampling, what is EPA's definition of accessible? Do they have to install sampling points if none exist? Or, related to that, if it's not accessible, do they have to sample?

Ryan Albert: If it's not accessible, for those samples, you do not have to sample. Now, this doesn't apply to those discharges in Part 5.1, 5.2 of the permit; 5.8 will require analytical monitoring. If it's not accessible, you do not have to sample. Likewise, you do not have to install sampling ports. We're really just looking for -- we recognize that some discharge types you would have to install these sampling ports. And for this permit iteration, at least, we did not want to require that you have to do that.

However, there may be sampling points that are discharged above the waterline, where you could easily just dip, particularly for some of the smaller vessels covered by this permit, where you could take a bottle and hold it over the edge of the deck, or in the case of deck runoff, you may drain your water to a centralized scupper and you may be able to grab -- take a look at the discharge before it drains into that scupper during a precipitation event or during a washdown. Those are the sorts of things we're thinking.

John Kosco: Okay. Great. We'll just take one more question. Cathy asks, if they do decide to do a plan, like a vessel compliance plan, is it acceptable to reference existing onboard operating procedures, or must the full text be included in their compliance plan?

Ryan Albert: Very good question. In this permit we explicitly state you may use other environmental management systems that you've developed onboard -- and we have several that we've referenced -- provided that whoever is in charge of compliance on your vessel, be it an environmental officer or other, your engineer, knows where these documents are kept.

Now, I've actually had several permittees contact me and make a suggestion I think is a very good one. They say, "Well, if I have this located in a different plan, a different environmental plan, can I just create a central document that says, 'Okay, I need to -- this part is new, so I have to write this part up, but this particular part is actually present in this other plan,' and just reference where it is?" And I think that's a very good idea so everybody knows where that documentation is kept. The rationale here is when an inspector comes onboard, once again, they're not necessarily going to care where you keep the information, but they are going to want to see that information.

John Kosco: Okay. Great. And we'll take one more question from Jennifer before going into the last set of presentation. She asks, for an example, a towing vessel less than 79 feet carries ballast water and is thus subject to the effluent limits of the VGP for ballast water; this towing vessel -- is the towing vessel also subject to the inspection, recordkeeping, reporting and other requirements of VGP insofar as these relate to compliance with the ballast water requirements?

Ryan Albert: Yes. Once again, you are -- if you're just subject to the ballast water requirements of this permit, you must only meet ballast water and then all those requirements that relate to ballast water. And one thing I did say incorrectly before, you also must submit a Notice of Intent if you will be over 300 gross tons and will be discharging ballast water.

John Kosco: Okay. Great. All right, well, let's do the rest of the presentation, and then we will follow up with a remaining set of questions. And Ryan will talk now about the 401 certification requirements.

Ryan Albert: So, as I mentioned before, there are 401 certification requirements in this permit. And, once again, they do vary from state to state. There are 28 states, tribes and territories that added additional conditions to the permit. Some of these are being challenged in state courts or administrative proceedings.

Now, it is worth mentioning, we have had several questions about several of the state conditions, and we are advising that if permittees have questions regarding conditions in a given state's water that they need to contact the state agency directly. And if you actually look on EPA's Web page, we do provide a link to the original 401 certification letters we received, and many of these letters do have contact information. Once again, we strongly recommend that permittees read the conditions for each state or tribe's waters in which they will be operating, as these do vary across states.

We'll talk about just some of the highlights. One thing to note, we have had requests from state agencies to delete some conditions for three states. We have had it from New Jersey, Illinois and California. And the permit that I mentioned earlier in this session will be posted within the next couple of hours, once again. That contains these deleted sections. So this will be an updated permit before the vacature goes into effect tomorrow. So do look out for that. If you will be operating in New Jersey, Illinois or California, do go and retrieve an updated permit.

So, the state 401 certification conditions, and I'm just going to talk about some of the very broad highlights here. There are several for ballast water. And several states include various treatment

standards for living organisms, and they do include a compliance schedule. And these standards, they do vary depending upon the states. The states that include them are California and several of the Great Lakes states such as New York, Illinois, Pennsylvania, Michigan, Minnesota and Ohio, several states. And these standards do vary, as do the compliance time that you have to come into compliance with these living discharge standards.

There are also requirements for bilgewater and graywater. Several states prohibit graywater discharges, some with a compliance schedule, meaning you have a certain amount of time to reach that point. A couple of states prohibit underwater ship husbandry. Specifically, Maine and Massachusetts, if I recall correctly, are the two states that currently prohibit underwater ship husbandry. There are also discharge location limitations. Some states say you cannot discharge this type of discharge within this certain water. And there may also be additional monitoring or reporting for very specific discharges for specific states.

Once again, we strongly recommend, if you will be operating in states' waters, that you go to Part 6 of the permit, and you can see it's in alphabetical order. If you will be operating, let's say, in New York, you can go to the part of the permit dealing with New York and look at New York's conditions.

Now, on to the appendices of the permit. The appendices include the definitions. There are numerous terms in this permit that are defined. We have EPA regional contacts listed, so if you have a specific question about operating in certain areas of an EPA region -- not a general question about the permit, but operating within that region -- then you can contact one of the EPA regional contacts there.

We also include the areas covered; the Notice of Intent instructions and form; the Notice of Termination instructions and form; the list of the waters federally protected for conservation purposes, the one-time report, which I didn't discuss earlier but I will discuss now -- this is applicable to all permittees if you will be operating under this permit coverage; the DMR report, the Discharge Monitoring Report; and the procedure for WET testing, or whole effluent toxicity testing.

So, once again, the Notice of Intent must be submitted by September 19, and the information on this form includes a lot of information that's very general to the vessels that I'm sure many of you have filled out before, things such as the vessel owner and operator information. We ask for generalized vessel voyage information. We understand for some of you all it's very possible to do this. There may be a tug that operates exclusively within the Mississippi River Watershed, or it may operate exclusively within New York Harbor. There also may be international voyages where you don't know where you're going to go, and you may generally call it the Port of Norfolk, let's say, or Long Beach, but you might not necessarily know. So we understand you may not be able to fill out all this information, but we ask for generalized information.

Discharge information, we ask for, if you know the discharge types on your vessel, to check off which ones you will be discharging. Now, we're not requiring you to check them off for obtaining permit coverage for each thing, but it is important for us, for us to be able to refine this

permit moving forward and have a good sense of the permittee universe, what your particular discharges are.

And, finally, there's a certification statement. And it's very important that everyone realizes that they are certifying anything they fill out in conjunction with this permit. They are certifying under criminal penalty to be correct, to be true. So there's the certification system, and do take this into account.

And, once again, by June 19 we're going to complete two tools to make completing NOIs easier - an eNOI system, which is going to be available online worldwide and will hopefully contain tools to make it easier, if you're -- if you have to fill out many Notices of Intent; and then, finally, a fillable PDF form for those people who just don't trust submitting things electronically. However, once again, just to reemphasize here, we really do strongly recommend you use that electronic system, because it will be much easier, much more time efficient for you as the permittee.

Now, the Notice of Termination, the permittee must submit it when they're wishing to permanently terminate coverage under the VGP. This doesn't mean that they're being taken out of waters for a month or that they're sailing even out of U.S. waters for two years. However, it does mean maybe they're selling their vessel and they no longer want to have legal responsibility for the vessel, or they will no longer have any operational control of the vessel, then they may wish to submit a Notice of Termination.

Now, the waters federally protected for conservation purposes -- there are several discharge types in the permit that we say either you may not or you need to minimize these discharges in these waters federally protected for conservation purposes. And what this contains is a complete list of several resource protection areas, including marine sanctuaries, a unit of the National Park System, so on and so forth.

Now, we've had several questions, and it is intuitive, we just included a complete list here. Due to the time limitations we had in this permit, we couldn't go through and filter, this particular one has a water associated with it, this particular one has a water associated with it. But if you look and you say, okay, one of the things listed is the Washington Monument, obviously, there's no waters associated with the Washington Monument, so there's no specific requirements there.

However, if the wilderness area or if the marine sanctuary or the national park includes portions of a water -- a bay, an estuary, or a portion of the Territorial Sea -- then you must meet these requirements in those areas. So if you will be operating in certain areas, they are listed by state in most cases, you should look to be sure that if you have the discharges that are impacted by this particular section that you do not discharge these things in these particular waters.

And so, finally, the one-time report and the Discharge Monitoring Report. The one-time report I did neglect to mention earlier. It's a simple report. It contains six questions. And we are asking you to submit this report one time during the permit term from between 30 and 36 months of permit coverage, so between two and a half and three years of permit coverage. And this report

will be important for us, because it assures us that permittees are meeting basic compliance for their vessels, and it also gives us information about the impact of the first permit iteration.

It will give us some generalized sense, okay, this is causing a significant burden for the permitted universe. This is particularly easy for the permitted universe. And it also makes -- it assures us that everybody is paying attention. If we see this one-time report and we have 50,000 permittees and we only get 1,000 one-time reports, we know we have a problem and we have to step up our compliance and enforcement responsibilities appropriately.

Now, the Discharge Monitoring Report, this is required for analytical monitoring for cruise ships and experimental ballast water treatment systems. It's, though, not listed at the end of the permit and listed as an appendix. We put it as a separate fillable PDF form on the Web page. And then, once again, we will have a special Discharge Monitoring Report available or we will incorporate specifically on our website hopefully within two years.

And so a frequently asked question we get is can I complete a single NOI for my fleet? And we actually had this question a little earlier, as well. And just to reiterate, you may not complete a single NOI for your fleet. If your vessel requires you to submit a Notice of Intent for it, you must submit a separate Notice of Intent for each vessel. However, we really are putting some significant resources right now into making that absolutely as efficient as possible.

Though we're not sure which option we're going to pursue at this point -- we are pursuing options to reduce the time commitment for vessel owner/operators which must submit multiple notices of intent. This may include things such as prepopulating sections of the form where information will be the same. We may also look at things such as potential for batch imports for those of you with very, very large numbers of permittees.

John Kosco: All right. Thanks, Ryan.

We're on to our next poll question. This is actually the last one. Which of the following resources would you find most useful? The first option being an email listserv open to the public to allow the regulated community to share ideas; the second option being additional resources from EPA discussing key NPDES conditions; or another resource. Again, submit your answer, and when you do the survey at the end, we'll also have some options on submitting additional suggestions there. So let's see what people are answering. We'll give you another minute there.

One of the questions we have coming up is what additional guidance or other information might be coming out from EPA to support implementation of the VGP, while people are answering this question?

Ryan Albert: Oh, well, that's a good question. Our immediate short-term goal is we are going to do a Q&A document. We are using questions we're getting from the public quite frequently. For instance, some of the questions that we receive during today's webcast we may incorporate into this Q&A document for those things that across the board permittees have questions about. Now, this is something we're doing in the short term. As we move forward, we may also produce additional information for how to complete the Notice of Intent, and, as we find there are certain

areas people need particular help with, such as understanding the Clean Water Act, understanding how -- these are just examples, but potentially understanding how this particular permit is applicable to their vessel, we could also develop brochures or other short pieces of information to assist the average permittee.

John Kosco: Okay. Thanks.

Let's see what the results are now. So it looks like most of the people, two-thirds of the people, are asking for additional resources from EPA about this key and specific permit conditions, and about a third, a little over 25 percent, are open to a listserv. So, again, if you clicked Other, or the additional resources, please provide additional information on that in the survey at the end of the webcast.

So we will go into our last Q&A break here. We do have one additional slide on some additional resources and for more information, but before that we'll take a number of questions here. And, again, we apologize that we can't answer all the questions, but you do have the general email box that you can email Ryan and his staff.

Let's see. We have a question here from Richard, asking who signs the NOI, the ship's technical manager or the vessel owner or some other person?

Ryan Albert: The Notice of Intent needs to be signed by the certifying official. In the NPDES regulations, and please do keep in mind that I'm not an attorney, but if I recall correctly, the certifying official is the responsible corporate officer responsible for the operation of the facility -- in this case, the vessel. That is defined very specifically in the regulations. I do believe we reference it in the Notice of Intent. If you have follow-up questions, please do send them to the Commercial Vessel Permit box and we'll be able to give you a more authoritative answer then. Yes, and it can be an owner or operator who signs that Notice of Intent.

John Kosco: Okay. Next question is from Jeff, asking can the NOI update be used for notifying EPA of management or operator changes for a vessel? In other words, will the eNOI system allow for operator changes?

Ryan Albert: If it's within the same company, you could make some changes there. But if you're doing an entirely new operator that's unaffiliated with the previous company, that operator will need to submit a separate Notice of Intent under those circumstances. Now, there are several questions regarding owner/operator. We have had several questions come in regarding owner/operator, and we will attempt to answer some of these questions in that Q&A document over the next month.

John Kosco: Okay. Roberto asks, when submitting the NOI, are they going to get any hard copy or other record that they have applied for the permit?

Ryan Albert: If you do submit your NOI via the electronic system, you will receive confirmation that you've submitted the NOI. If you submit it after September 19, you will receive notice after your 30-day waiting period is over that you are thereafter authorized to discharge in waters

subject to this permit. There will also be possible other information that could be distributed to those registered permittees via the NOI system, as well, moving forward.

John Kosco: And I assume that's a record they should be keeping on their vessel with their --

Ryan Albert: We don't require it. They may want to do so, but we do not require it. What we do require, once again, is that you are compliant with all permit terms, regardless of whether you have this record onboard the vessel or not.

John Kosco: Okay. Elaine asked a clarifying question on the weekly inspection requirements. Are they required to conduct inspections on the entire voyage if they are outside of U.S. waters, or just within the week prior to entering U.S. waters?

Ryan Albert: Well, we do require that the inspections be conducted once per voyage, or once per week. If you are on a two-week voyage, then you would have to conduct inspections theoretically twice during the course of that voyage. However, if you are only going to be entering U.S. waters during the last week of that voyage, then you must only conduct the inspection during the week immediately before you come into waters of the United States.

John Kosco: Okay, so if they're outside for several months, they just need to do that inspection the last week.

Ryan Albert: Do it for that last week. That's correct. Just once again, we do caution that if you are operating under two different management systems where you conduct the inspection only when you're in waters subject to this permit, that you're just sure your crew understands what they need to do during those limited times. And we do see some potential implementation challenges for permittees if they take this approach.

John Kosco: Okay. Question about the ballast water capacity, from Sean, he wanted to clarify, the capacity is for eight cubic meters of ballast water, but what if he has a capacity but doesn't use those ballast tanks, or use only permanent ballast water and don't exchange that ballast water?

Ryan Albert: You still -- this is just related to the Notice of Intent. Even if you don't use the ballast water, you still must submit the Notice of Intent. However, if you use -- let's say you don't use the tanks or you don't use -- or you only use permanent ballast water, then you really don't have to meet most of the ballast water requirements. You only have to meet -- you'll have to have the ballast water management plan. And this is, once again, just reinforcing conditions from the Coast Guard. And your plan may simply be, we use permanent ballast water. That's your plan. But for the purposes of the Notice of Intent, even if you will not use those tanks, you have to submit the Notice of Intent.

John Kosco: Okay. Christopher asks, who will enforce the permit and conduct inspections? Is it EPA, states, Coast Guard, other?

Ryan Albert: Yes, right now, EPA is the ultimate enforcement authority for this question. EPA is currently in discussions with the Coast Guard. The Coast Guard may help EPA, assist EPA in enforcing this permit. However, we have not reached any final agreements at this time. We will be entering our enforcement strategy moving forward. However, really, for the first six months of this permit, we're really going to be focusing on compliance assistance and getting people up to speed with meeting the terms of the permit.

John Kosco: Okay. A question about, from Edward, about state requirements -- how does he go about finding each state's special requirements over and above the VGP? I know there is a section of the 401 requirements in the VGP, but what about additional requirements from states for vessels?

Ryan Albert: All the additional requirements from states are included in that Part 6 of the permit. It's a little bit lengthy. It's over 40 pages at this point. Everything is there. Now, if you actually want to see the state letter that we received at EPA from which we pulled out the conditions, then you can go to the website, and there's a link to the state 401 certification requirements. Now, many states added a contact, so if you had a question about a specific provision you could contact that specific state contact and hopefully they could share additional information with you.

John Kosco: Okay. Next question is from Colin, who asks, if a foreign-flagged vessel that has never sailed into U.S. waters comes in after September 19, 2009, they don't have VGP coverage, how long will it take for the approval process and the application submittal before they can come in? You said there's a 30-day waiting period.

Ryan Albert: Thirty-day period. We do not anticipate -- unless we have a concern about environmental problems from a certain vessel, we will process your Notice of Intent after September 19 in that 30-day period. If there is a significant concern about your particular vessel, and it's a particular environmental concern, we may hold up authorization. However, we would only do this, like I said, if there's a noticeable or a significant problem we have with a very specific vessel. You should be able to expect, if you get us your application more than 30 days ahead of time, you will have your authorization to discharge by the time you enter waters of the United States.

John Kosco: Okay. And, Ryan, I guess a follow-up question for that, for those of us familiar with the stormwater eNOI system, those are posted on EPA's website, you're notified that your status is pending, and then the changes -- the status is changed after 30 days, showing that your permit is active. Is that the same type of system that --

Ryan Albert: That's correct. That's the way we're designing this system right now. And thank you. That's a very good point. So you will be able to follow your status online if you use the electronic system.

John Kosco: Okay. A follow-up question on barges, from George, he mentions that these -- the permit is geared mostly towards bluewater operations and shipping but wanted to ask questions about how these -- the permit requirements affect barges, because of the need to switch over the

different vessels pushing the barges and different owners or operators that may be touching the various barges. Can you clarify some of these requirements and how it impacts barges that may be sitting for days or weeks at a time?

Ryan Albert: That's a very challenging question to answer in this forum. For your barges, you still do need to maintain the recordkeeping documentation. We understand that for some barges there may be multiple operators over the course of the barge visits. We have not formally written the owner/operator responsibilities in terms of which exact operator must conduct which inspection when.

However, the -- what happens, the closest analogy we have is in construction permitting. There may be a construction site where you have one general contractor who files a Notice of Intent under our Construction General Permit. And that general contractor can follow a couple of different options. One thing that he may do is in his contract mechanism with the different operators or the different subcontractors, in this case, he may require as a condition of that contract, you must comply with the terms of this permit, and if you do not comply with the terms of this permit when you are operating the permit, you are legally responsible for all fines incurred from the permit.

Another option we've seen is that the construction owner will require each operator or subcontractor to get their own separate Notice of Intent coverage when they are actually operating or working on the construction site -- in this case it would be operating the barge. This is also a model that works. If the prime operator, owner/operator, wants to require that each other operator gets a Notice of Intent coverage for that short duration they're operating the permit, they may elect to do so. But we do want, at all times, when that vessel is being operated in waters of the United States, there needs to be somebody who is legally responsible for being sure that the terms of this permit are implemented.

John Kosco: Sean asks, for older vessels, is there any possibility to apply for a waiver covering certain sections of the permit?

Ryan Albert: As of this time, no. EPA, of course, will, as the permit moves forward, we will take what we learn from this particular permit and make changes to the next iteration of this permit. But as of this time there is no opportunity to apply for a waiver from the permit. However, you may, as I mentioned before, apply for individual permit coverage if you think that's appropriate following those regs I listed earlier. I believe they were 120.21, 40 CFR 120.21.

John Kosco: Okay. Al asks, in terms of recordkeeping, is a separate record for the VGP purposes required for the vessel, or can records and entries be made in the vessel's daily log?

Ryan Albert: The records can be made in the vessel's daily log. That's perfectly acceptable to us. Just, once again, when the inspector comes onboard, be sure to point them out to the inspector that this is -- if they ask questions about the VGP, that somebody onboard the vessel knows exactly where to find those records.

John Kosco: Okay. Michael asks, can you mention anything about the penalties for noncompliance with the VGP?

Ryan Albert: Well, the Clean Water Act contains both civil and criminal penalties, the potential for both civil and criminal penalties. The civil penalties are a maximum of \$32,500 per violation per day, and then criminal penalties can include jail time. However, the thing I would say is, just like with any law, the penalty assigned is proportionate to the severity of the offense. Just because you have a minor violation does not mean you will be thrown in jail or that you will have -- or that you will pay the maximum penalty.

Now, once again, for the first six months or so of this permit, EPA is really planning on focusing on compliance assistance, what we can do to get out there and help the permittees implement this permit correctly. Now, unless there's just truly an egregious violator, I do not expect on February 7 to see legions of EPA inspectors boarding vessels planning to write those \$32,500-per-day citations. Nonetheless, just keep in mind, too, if the penalty is severe, then the penalties under the Clean Water Act -- or, if the offense is severe, the penalties under the Clean Water Act can be quite severe, and folks need to implement the permit appropriately.

John Kosco: Great, Ryan. We do have a couple of minutes to answer some additional questions. Once again, if you have any additional questions that go unanswered, please feel free to send an email with your question to commercialvesselpermit@epa.gov.

Finally, in a couple of minutes, a webcast evaluation survey will appear on your screen. Please consider completing this survey and let us know your thoughts. We do appreciate your feedback as we work to improve these webcasts. Again, make sure your popup blocker is turned off. If you don't see that evaluation survey, turn off your popup blocker.

Now, we do have time for a couple of additional questions. Ryan, do you want to mention anything about these additional resources that people see on their screen?

Ryan Albert: Sure, there are some -- the additional resources that you saw here was there is a VGP Fact Sheet. And I did mention this earlier. What this basically is is this is the -- explains both the legal and technical rationale behind each of the conditions, or many of the conditions in the permit. And if this were a regulation, this would be similar to the rules preamble.

The docket for this permit also has numerous resources. It includes many of the background papers we use. It also includes our response to comment document, which is a 1,250-page light reading response to all significant comments that we received in the public comment period and does address in detail some of the questions that you all asked today, such as the owner/operator questions are addressed there, the drydocking questions are addressed there, the submitting multiple NOIs are addressed there. And this is available if you go to our docket. You can reach www.regulations.gov, and you want to search for Docket No. OW-2008-0055.

And when you go there, you may be a bit overwhelmed by the number of actual documents in there. This includes the proposed permit and the proposed fact sheet, as well, so be sure you actually get down to the final documents. And the -- unfortunately I don't have the response to

comment document number now, but if you do a search for it in there you should be able to find it.

John Kosco: Great. Well, we won't push out the survey now. We do have a couple of -- okay, it's already been pushed out. We do have a minute or two for some -- a couple of additional questions. I would like to mention we had a couple of questions on a PDF of the presentation, and that will be uploaded onto EPA's website very soon, on the vessels webcast. I believe you can also download it off of the current console. There is a button there for that.

Ryan, Michael asks, is a permittee required to report or document a small oil spill on the deck that does not enter the water? And, if so, is the permittee required to report or document this spill if outside of territorial waters?

Ryan Albert: That's a good two-part question. The first part, is a permittee required to document if it spills onto the deck, yes, they would be required to document it, although I would not consider this an effluent limit violation at this point if it was properly cleaned up. But they should document that they had a spill if they note it during the course of routine visual inspection. Now, then, if they're just doing some routine maintenance and a couple of drops of oil drip down from some machinery and they just wipe it up straightaway, that doesn't necessarily need to be documented provided it doesn't reach the deck -- or reach the water.

Now, then, likewise, do they need to document it outside of waters subject to the permit? No, they do not. They do not need to do that if they choose not to. Once again, what I do caution is if you have two separate management systems, one for waters outside of waters subject to the permit and one inside, be sure you are meeting the terms of the permit when you're in waters subject to this permit. That can be very difficult to know. Am I two miles -- for the crew -- do I have to meet these certain conditions in this water versus another?

John Kosco: Okay. John asks a question about the specific reference to the one-time report. Can you clarify what that is?

Ryan Albert: The one-time report, it's referenced in Part 4 of the permit, and what we require is that permittees must submit a one-time report between two and a half years and three years of permit coverage, between the 30th and 36th months, and that is available in one of the appendices. I believe it's Part 12. And basically it's a very simple report. We estimate per vessel it should take less than 15 minutes. We allow for half an hour. And, once again, this will also be available when the time comes in two and a half years on our website to be submitted electronically. One again, six very simple questions. You may have to write some very short text to describe some of your answers, but it should be a pretty quick report to fill in.

John Kosco: Okay. And we'll take one last question to clarify, from David, do you have to submit an NOT if you were not required to submit the NOI at all? And, again, if you're changing owner of the vessel, how do you go about doing that?

Ryan Albert: Okay. So if you're going to submit the Notice -- or if you do not have to submit a Notice of Intent, you do not have to submit a Notice of Termination. Now, if you're going to

update the owner, what needs to happen is the new owner of the vessel needs to submit a Notice of Intent if they are subject to or required to submit a Notice of Intent, and the old owner will want to submit a Notice of Termination.

Now, then, for -- when there's a transaction and a new owner or operator comes and takes over the vessel, there is not the 30-day waiting period, provided the previous owner or operator had permit coverage and submitted their Notice of Intent as they should. If it's an existing vessel that previously did not have permit coverage in waters subject to the permit or if it's a new vessel that previously didn't have coverage, there will be the 30-day waiting period.

John Kosco: Great. Okay.

Yes, and I'd just like to, while we finish up the webcast, like to remind everyone that the updated permit will be posted on EPA's website a little later today. It should be up within the next hour or two.

I'd like to thank everyone for participating in today's webcast and all the questions submitted, and also, obviously, thank you to Ryan for the huge amount of work he's put in in the last two hours discussing the Vessel General Permit.

This concludes today's webcast. Thank you for joining us.