

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



U.S. Environmental Protection Agency
Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Attn: David Webster
Chief, Industrial Permits Unit
Office of Ecosystem Protection

RE: **Section 401 Water Quality Certification and Coastal Management Consistency
Concurrence**

National Pollutant Discharge Elimination System (NPDES) Vessel General Permit (VGP)
for Discharges Incidental to the Normal Operation of Commercial and Large Recreational
Vessels

Application No. WQC-200801845 (Inland)
Application No. WQC-200801846 (Coastal)

Pursuant to Section 401 of the Federal Clean Water Act (33 USC 1341), Water Quality Certification is hereby granted for activities conducted in accordance with the proposed United States Environmental Protection Agency VGP, and the Commissioner finds that the proposed activity is consistent with state water quality standards and is reasonably likely to have no more than minimal impact on water quality individually or cumulatively. Further, the Commissioner finds that the VGP is consistent with the enforceable policies of Connecticut's approved Coastal Management Program, pursuant to Section 22a-96(c) of the Connecticut General Statutes.

TERMS AND CONDITIONS

Section 401 Water Quality Certification granted herein is subject to the following conditions:

1. **Rights.** This certificate is subject to and does not derogate any present or future property rights or other rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected hereby. This certification does not comprise the permits or approvals as may be required by Chapters 440, 446i, 446j and 446k of the Connecticut General Statutes.

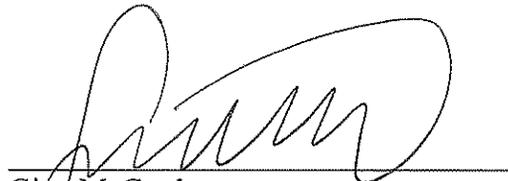
2. **Expiration of Certificate.** This Section 401 Water Quality Certification shall be valid for five (5) years or until such time as the VGP issued by EPA on or about December 19, 2008 expires or is modified, suspended, revoked or reissued.
3. **Compliance with Certificate.** All work and all activities authorized herein conducted by the permittees in accordance with the VGP shall be consistent with the terms and conditions of this certificate. Any regulated activities carried out in a manner inconsistent with the Best Management Practices identified in the VGP constitute a violation of this certificate.
4. **Reliance on Application.** In evaluating the EPA's application for this certificate, the Commissioner has relied on information provided by the EPA. If such information subsequently proves to be false, deceptive, incomplete or inaccurate, this certificate may be modified, suspended or revoked.
5. **Best Management Practices.** In conducting the activities authorized by the VGP, the permittees shall employ all applicable best management practices, consistent with the terms and conditions of the VGP and this certificate as applicable.
6. **Ballast Water Management Requirements.** The ballast water management requirements in the Draft VGP section 2.2.3 shall be the minimum standard for covered vessels operating in Connecticut waters. All vessels covered by the VGP that have a ballast water treatment system installed for any reason, including but not limited to compliance with the conditions of any VGP 401 Water Quality Certificate issued by any other jurisdiction, or compliance with International Marine Organization (IMO) standards, shall utilize such treatment system to treat ballast water to the highest level afforded by such installed treatment system prior to discharge into Connecticut waters.
7. **Graywater Management Requirements.** Discharge of treated or untreated graywater to the waters of the state from any vessel covered under the VGP is prohibited.

The conditions of this Certification are needed to comply with the December 17, 2002 Connecticut Water Quality Standards adopted pursuant to Section 22a-426 of the Connecticut General Statutes and section 303 of the federal Water Pollution Control Act as amended. In accordance with 40 CFR 124.53 (e) (2), these conditions cannot be made less stringent and still comply with Connecticut's Water Quality Standards. Further, as part of Connecticut's certification of the draft VGP, DEP finds as follows:

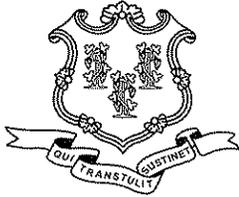
1. The additional ballast water management requirements set forth as a condition of this certification are necessary to reduce the unintentional discharge of invasive species and disease organisms that have the potential to disrupt the ecological balance of Connecticut's waters and negatively impact the fish and wildlife resources of the State, as well as other states; and

2. The additional graywater discharge standards set forth as a condition of this certification are necessary to reduce nutrient inputs from vessels covered by the VGP to impaired waters of the state and to support the No Discharge Area designation of state waters pursuant to Section 312 (f) (3) of the federal Water Pollution Control Act as amended.

Issued by the Commissioner of Environmental Protection on 10/22, 2008.



Gina McCarthy
Commissioner



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



December 16, 2008

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Attn: David Webster
Chief, Industrial Permits Unit
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**RE: Section 401 Water Quality Certification and Coastal Management Consistency
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Subsequent to our issuance of Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act, information has been received that dictates a change to the conditions of the certification. This information from the regulated community indicates that it is not practicable to require an immediate cessation of the discharge of graywater from all vessels covered under the VGP. Condition 7 of the 401 Water Quality Certification and Coastal Management Consistency Concurrence issued on October 22, 2008 is hereby revised as follows:

- 7. Effective upon issuance of the VGP, graywater as defined in 33 USC § 1322 (a)(11) shall not be discharged into Connecticut waters from a vessel covered under the VGP unless such vessel is not equipped to hold such graywater for processing ashore or for discharge outside Connecticut waters.**

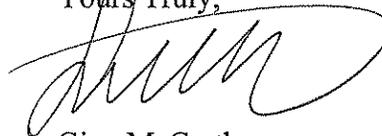
Effective January 1, 2012, graywater from any vessel covered under the VGP operating in Connecticut waters shall not be discharged into such waters unless such discharge is granted an extension under the limited circumstances described herein. This prohibition shall be in effect regardless of a vessel's traveling speed.

Water Quality Certification
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No extensions will be made to the above implementation date, unless an entity covered under the VGP makes a request for an extension to the Commissioner and can provide sufficient justification for such a request. Any such extension request shall state and demonstrate that: (1) there is a shortage in supply of the technology necessary to meet the limits set forth in this certification, or a vessel-specific engineering constraint or other factor related to the availability and installation of technology beyond the vessel owner/operator's control, that delays the technology being available and installed in time to comply with this standard; (2) the unavailability of supply or installation constraint is the only reason the January 1, 2012 date cannot be met; and (3) the vessel has exhausted all other options to comply with this standard. Any extension request must be made no later than June 30, 2010, and the extension request shall indicate when the vessel will come into compliance with this deadline.

All other conditions of the certificate remain in full force and effect. The revision to condition 7 maintains the protection of water quality afforded by this water quality certificate and merely allows for a reasonable time for certain vessels to come into compliance consistent with the provisions of the New York state water quality certificate for the shared waters of Long Island Sound. If you have any questions regarding this matter please contact Rick Huntley in the Office of Long Island Sound Programs at (860) 424-3609. Thank you.

Yours Truly,



Gina McCarthy
Commissioner