



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-0610

February 4, 2009

Ms. Tinka Hyde  
Director, Water Division  
United States Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Re: NPDES Vessel General Permit – Discharges Incidental to the Normal Operation of  
Commercial and Large Recreational Vessels  
Request to Delete Condition No. 9 of Original Section 401 Certification

Dear Ms. Hyde:

The Illinois Environmental Protection Agency (IEPA) hereby requests that the United States Environmental Protection Agency (USEPA) delete Condition No. 9 of the IEPA's November 21, 2008 Section 401 Water Quality Certification of USEPA's NPDES Vessel General Permit for Discharges Incidental to the Operation of Commercial and Large Recreational Vessels.

On January 16, 2009 the Illinois Environmental Protection Agency received a letter and supporting documentation from The American Waterways Operators requesting that the certification's condition prohibiting the discharge of graywater be removed. This letter and supporting documentation was submitted on behalf of the following companies:

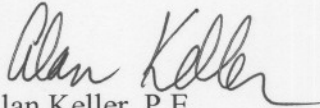
AEP River Operations	Ingram Barge Company
American Commercial Lines	Kindra Lake Towing, LP
American River Transportation Co.	Kirby Corporation
Blessey Marine Services, Inc.	Lewis & Clark Marine, LP
Canal Barge Company, Inc.	Luhr Bros., Inc.
Cenac Towing Company, Inc.	Marquette Transportation Company, LLC
Columbia Marine Service, LLC.	McNational, Inc.
Eagle Marine Industries, Inc.	Midwest Tankermen, Inc.
Florida Marine Transporters, Inc.	Norman Brothers, Inc.
Great Lakes Dredge and Dock Company	Osage Marine Services, Inc.
Hannah Marine Corporation	Waxler Transportation Company
Hanson Material Service	Western Kentucky Navigation, Inc.
Illinois Marine Towing, Inc.	U.S. United Barge Line

In addition to representing these companies, this package included copies of letters from numerous companies who do business with the barge, tug, and tow industry.

The Agency also received separate letters dated January 16, 2009 from Marquis Energy, Alter Barge Line, Inc., and American Commercial Lines. On February 2, 2009 the Agency received comments from Hanson Material Service, Ingram Barge Company, American River Transportation Company (an ADM company), Western Kentucky Navigation, Inc., as well as additional comments from the American Waterway Operators. The Agency continues to receive additional correspondence from affected barge, tug, and tow companies and their customers.

Based on the information provided following the issuance of the November 21, 2008 certification, the Agency requests that the prohibitions contained in Condition No. 9 of the Certification be deleted for this term of the Vessel General Permit.

Sincerely,

A handwritten signature in cursive script that reads "Alan Keller".

Alan Keller, P.E.  
Manager, Permit Section  
Division of Water Pollution Control

cc: Records



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Director, Water Division  
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77 West Jackson Boulevard  
Chicago, Illinois 60604

Re: NPDES Vessel General Permit – Discharges Incidental to the Normal Operation  
of Commercial and Large Recreational Vessels  
Amended Section 401 Certification  
Deletion of Condition Prohibiting Graywater Discharges

Dear Ms. Hyde:

The Illinois Environmental Protection Agency (IEPA) has reviewed the United States Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) general permit for Discharges Incidental to the Normal Operation of Commercial and Large Recreational Vessels (Vessel General Permit) pursuant to certification under Section 401 of the Clean Water Act. The Vessel General Permit covers all discharges from commercial and large recreational vessels, as defined in the permit, that take place within all waters of the State of Illinois. The Agency is hereby deleting Condition No. 9 of the original 401 Water Quality Certification issued November 21, 2008. This condition prohibited the discharge of blackwater and graywater from vessels covered by the general permit. This prohibition has been deleted from the original certification and the conditions have been renumbered accordingly.

The Illinois Environmental Protection Agency hereby certifies that the Vessel General Permit will comply with Illinois Water Quality Standards pursuant to Section 401 of the Clean Water Act. This certification is issued subject to the following conditions:

1. Discharges of wastestreams containing Bioaccumulative Chemicals of Concern (BCCs) from vessels covered by the Vessel General Permit shall be consistent with the provisions of 35 Ill. Adm. Code 302.520, 302.521, and 302.530.
2. All discharges to Waters of the State from vessels covered by the Vessel General Permit shall not cause a violation of Illinois Water Quality Standards, as found at 35 Ill. Adm. Code Part 302 or effluent standards, as found at 35 Ill. Adm. Code Part 304.

3. No effluent from any vessel covered by the Vessel General Permit shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels, pursuant to 35 Ill. Adm. Code 304.106.
4. Any vessel covered by the Vessel General Permit discharging ballast water employing ballast water treatment systems using chlorine shall not exceed a maximum total residual chlorine limit of 0.05 mg/l. The usage of other biocides shall not cause a violation of applicable water quality standards and shall not be discharged in concentrations considered to be toxic or harmful to aquatic life, pursuant to 35 Ill Adm. Code 302.210, 302.410 and 302.540.
5. The discharge from any vessel covered by the Vessel General Permit shall be free from any substances or combination of substances in concentrations toxic or harmful to human health, or to animal, plant or aquatic life, pursuant to 35 Ill Adm. Code 302.210, 302.410 and 302.540.
6. No bilge or ballast water from vessels covered by the Vessel General Permit which fails to meet the effluent standards of Part 304 shall be discharged to waters of the State pursuant to 35 Ill. Adm. Code 308.103.
7. Except as provided in Condition No. 8, discharges of ballast water from vessels covered by the Vessel General Permit to the Illinois portion of Lake Michigan must meet the International Maritime Organization certified treatment standard according to the following schedule:
  - a. For vessels constructed prior to January 1, 2012, meeting the applicability criteria in the federal NPDES permit, treatment shall be installed and operational to meet the performance standards for organisms included in Table A by January 1, 2016.
  - b. For vessels constructed after January 1, 2012, meeting the applicability criteria in the federal NPDES permit, treatment shall be installed and operational to meet the performance standards for organisms included in Table A prior to commencement of vessel operation.

Table A. Biological Performance Standards for Ballast Water Treatment Technology

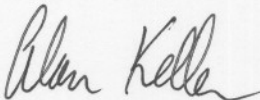
Parameter	Limit	Limit Type	Sample Type
Organisms >50um in minimum dimension	<10 viable /m <sup>3</sup>	Daily average	Composite
Organism 10-50 um in minimum dimension	<10 viable /ml	Daily average	Composite
Escherichia coliform	<250 cfu / 100 ml	Daily average	Composite
Intestinal enterococci	<100 cfu / 100 ml	Daily average	Composite

Analysis required by the above table shall be performed consistent with current protocols.

8. If ballast water treatment technologies, standards or limitations are adopted or approved by the USEPA, the U.S. Coast Guard, or other duly authorized Federal Agency and incorporated into the Vessel General Permit, the Agency will review the new or modified Vessel General Permit to ensure compliance with applicable Illinois laws and regulations. Based on that review, the Agency will waive, modify the existing certification or issue a new certification pursuant to Section 401 of the Clean Water Act.
9. If the IEPA determines that vessel discharges covered by the Vessel General Permit cannot comply with the conditions of this certification or the Illinois Water Quality Standards, then this certification may be amended to include different limitations, conditions, or requirements which are consistent with applicable laws, regulations, or judicial orders. The Agency will public notice any proposed amendments to this certification.
10. The issuance of this certification pursuant to Section 401 of the Clean Water Act does not release any dischargers from responsibilities or liabilities for past or future violations of federal, state, or local laws or regulations, nor does it release any potential dischargers from the responsibility of obtaining permits, including any from the IEPA, or other approvals from other units of government as may be required by law.

Should you have any questions or comments regarding the content of this letter, please contact me or Darin LeCrone of my staff at the above telephone number and address.

Sincerely,



Alan Keller, P.E.  
Manager, Permit Section  
Division of Water Pollution Control