

Water Quality Certification
(P. L. 92-500, Section 401)

**In the Matter of: United States Environmental Protection Agency (EPA)
National Pollutant Discharge Elimination System (NPDES)
Vessel General Permit for Discharges Incidental to the
Normal Operation of Commercial Vessels and Large
Recreational Vessels**

Findings

The Department of Environmental Conservation (Department) has reviewed the proposed NPDES Vessel General Permit for Discharges Incidental to the Normal Operation of Commercial Vessels and Large Recreational Vessels for the State of Vermont (Vessel General Permit) and has made the following findings:

1. The U.S. Environmental Protection Agency has proposed to issue the “Vessel General Permit for Discharges Incidental to the Normal Operation of Commercial Vessels and Large Recreational Vessels” pursuant to the Clean Water Act (CWA), as amended (33 U.S.C. 1251 *et seq.*).

2. The Vessel General Permit is applicable to discharges incidental to the normal operation of those vessels identified as eligible for permit coverage into waters subject to the permit. These waters are “waters of the United States” as defined in 40 CFR 122.2 (extending to the outer reach of the 3 mile territorial sea as defined in section 502(8) of the CWA.).

3. The General Conditions of the Vessel General Permit, the capacity of the U.S.E.P.A. to enforce such conditions of the Vessel General Permit and the State’s reservation of authority to enforce the Vermont Water Quality Standards and other state laws applicable to the discharge on a case by case basis will assure compliance with the Vermont Water Quality Standards.

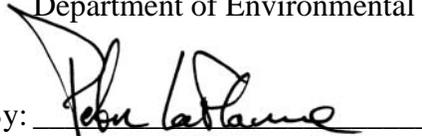
Certification

The Department grants Water Quality Certification for discharges covered under the Vessel General Permit, subject to the following conditions:

1. This Certification is valid only for those activities that fully comply with all terms and conditions of the Vessel General Permit and all other state laws applicable to such discharges. The Department reserves the authority to enforce any violation of the Vermont Water Quality Standards that results from any discharge and to enforce all other state laws applicable to such discharges.
2. Discharges that are not eligible for coverage under the Vessel General Permit and that require an individual permit must obtain an individual Water Quality Certification or waiver from the Department.
3. This Water Quality Certification shall be valid until such time as the Vessel General Permit is modified, suspended, revoked or reissued.
4. The issuance of this Certification does not authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits, including any Department permits, or approvals from other governmental entities.
5. This Water Quality Certification may be revoked or modified if it is found, in the opinion of the Department, that the process and conditions of the Vessel General Permit do not achieve compliance with the Vermont Water Quality Standards and other applicable provisions of state law.

Dated at Waterbury, Vermont
This 3rd day of October, 2008

Laura Q. Pelosi, Commissioner
Department of Environmental Conservation

By: 
Peter LaFlamme, Director
Water Quality Division