

**United States Environmental Protection Agency (EPA)  
National Pollutant Discharge Elimination System (NPDES)**

**SMALL VESSEL GENERAL PERMIT FOR DISCHARGES  
INCIDENTAL TO THE NORMAL OPERATION OF  
VESSELS LESS THAN 79 FEET (sVGP)**

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 *et seq.*), the owner or operator of any non-recreational, non-military vessel less than 79 feet in length that is operating in a capacity as a means of transportation, and is eligible for permit coverage under Part 1.1 of this permit is authorized to discharge into waters subject to this permit in accordance with the requirements set forth in this permit.

Required best management practices are found in Part 2. Additional requirements are set forth in Parts 3 and 4 of this permit.

This permit becomes effective on **[insert FR publication]**.

This permit and the authorization to discharge expire at midnight, **[insert date 5 years]**.

TABLE OF CONTENTS

1. OVERVIEW .....1

1.1 ELIGIBILITY .....1

1.2 WATERS COVERED/GEOGRAPHIC SCOPE .....1

1.3 OBTAINING COVERAGE UNDER THIS PERMIT .....1

1.4 VESSEL DISCHARGES ELIGIBLE FOR COVERAGE.....1

1.5 VESSEL DISCHARGES NOT ELIGIBLE FOR COVERAGE.....1

2. EFFLUENT LIMITS AND RELATED REQUIREMENTS.....2

2.1 GENERAL REQUIREMENTS .....3

2.2 FUEL MANAGEMENT .....3

2.3 ENGINE AND OIL CONTROL.....4

2.4 SOLID AND LIQUID WASTE MANAGEMENT .....5

2.5 DECK WASHDOWN AND RUNOFF AND ABOVE WATER LINE HULL CLEANING .....5

2.6 VESSEL HULL MAINTENANCE.....5

2.7 GRAYWATER.....6

2.8 FISH HOLD EFFLUENT .....7

2.9 BALLAST WATER .....7

2.10 SEAWATER COOLING OVERBOARD DISCHARGE .....8

2.11 COMPLIANCE WITH OTHER STATUTES AND REGULATIONS .....8

3. MONITORING AND RECORDKEEPING .....9

3.1 RECORDKEEPING REQUIREMENTS .....9

3.2 QUARTERLY VISUAL INSPECTION REQUIREMENTS .....9

4. ADDITIONAL REQUIREMENTS .....9

4.1 CONTINUATION OF THIS PERMIT .....9

4.2 ALTERNATIVE PERMITS .....10

4.2.1 *Permittee Requesting Coverage under an Alternative Permit*.....10

4.3 PERMIT COMPLIANCE.....11

4.4 DUTY TO PROVIDE INFORMATION .....11

4.5 INSPECTION AND ENTRY .....11

4.6 PROPERTY RIGHTS .....12

4.7 SEVERABILITY .....12

4.8 STATE LAWS .....12

4.9 FEDERAL LAWS.....12

4.10 STANDARD PERMIT CONDITIONS.....12

4.11 WATER-QUALITY-BASED EFFLUENT LIMITATIONS .....13

4.11.1 *Dischargers to Water Quality Impaired Waters* .....13

4.12 GENERAL PROVISIONS.....14

5. STATE SPECIFIC REQUIREMENTS .....14

6. DEFINITIONS .....14

7. EPA REGIONAL CONTACTS.....19

8. APPENDIX A – PERMIT AUTHORIZATION AND RECORD OF INSPECTION (PARI) FORM.....20

9. APPENDIX B – ANNUAL NON-COMPLIANCE FORM.....22

## **1. OVERVIEW**

### **1.1 ELIGIBILITY**

All non-recreational, non-military vessels less than 79 feet (24.08 meters) in length are eligible for coverage under this permit. This permit applies to all vessels that operate in “waters covered” as defined in Part 1.2 of the permit and is applicable to discharges incidental to the normal operation of vessels identified in Part 1.4 of the permit.

### **1.2 WATERS COVERED/GEOGRAPHIC SCOPE**

This permit is applicable to discharges from vessels identified in Part 1.1 of this permit into waters subject to this permit, which are “waters of the United States” as defined in 40 Code of Federal Regulations (CFR) Part 122.2. Waters subject to this permit extend to the outer reach of the 3 mile territorial sea as defined in section 502(8) of the Clean Water Act (CWA), and include all navigable waters of the Great Lakes subject to the jurisdiction of the United States.

### **1.3 OBTAINING COVERAGE UNDER THIS PERMIT**

Vessel owner/operators must complete the Permit Authorization and Record of Inspection Form (PARI) available in Appendix A and retain it onboard their vessel. Completion of this form provides written certification that the vessel owner/operator has read and understood the terms of the permit. Part IV of this form also provides written certification that the vessel owner/operator has conducted the required quarterly visual inspections found in Part 3 of this permit.

All vessels eligible for coverage will receive coverage starting on December 19, 2013, provided you have signed the sVGP Permit Authorization and Record of Inspection Form and maintain a copy onboard your vessel.

### **1.4 VESSEL DISCHARGES ELIGIBLE FOR COVERAGE**

Discharges incidental to the normal operation of a vessel are covered unless they are listed in Part 1.5 of this permit. Discharges incidental to the normal operation of a vessel, when operating as a means of transportation, include, but are not limited to, anti-foulant hull coating leachate, bilgewater, deck runoff, fish hold effluent, graywater, non-contact engine cooling water, packing gland effluent, and underwater hull husbandry. For the purposes of this permit, not all vessel discharges are considered incidental to normal operation of a vessel (e.g. industrial discharges).

### **1.5 VESSEL DISCHARGES NOT ELIGIBLE FOR COVERAGE**

The following types of discharges are not authorized under this permit:

#### *Vessel Discharges not Incidental to the Normal Operation of the Vessel*

Discharges that are not incidental to the normal operation of the vessel operating in a capacity as a means of transportation are not authorized under this permit. These discharges are described in 40 CFR 122.3 and include, but are not limited to, discharges from industrial

operations (e.g., seafood processing), medical waste as defined in 33 § U.S.C. 1362(20), and noxious liquid substance residues subject to 33 CFR Part 151, Subpart A.

*Sewage*

Sewage discharges from vessels, as defined in the Clean Water Act section 502(6) and 40 CFR § 122.2, are not required to obtain NPDES permits. Instead, these discharges are regulated under section 312 of the CWA, 40 CFR Part 140 and 33 CFR Part 159.

*Used or Spent Oil*

Discharges of used or spent oil no longer being used for their intended purposes are not eligible for coverage under this permit.

*Garbage or Trash*

Discharges of rubbish, trash, garbage, or other such materials discharged overboard are not eligible for coverage under this permit.

*Tetrachloroethylene (Perchloroethylene) Degreasers and Other Products*

Discharges of tetrachloroethylene degreasers or other products containing tetrachloroethylene are not eligible for coverage under this permit.

*Discharges Currently or Previously Covered by Another NPDES Permit*

Vessel discharges covered, as of the effective date of this permit, under an individual NPDES permit or another NPDES general permit are not eligible for coverage under this permit, unless those discharges are covered by EPA's December 2008 Vessel General Permit, or unless EPA provides written authorization for coverage to be obtained for such discharges under this permit.

Discharges from vessels covered by any NPDES permit that has been or is in the process of being denied, terminated, or revoked by EPA or state permitting authorities (this does not apply to the routine reissuance of permits every five years), unless EPA provides written authorization for coverage to be obtained for such discharges under this permit.

## **2. EFFLUENT LIMITS AND RELATED REQUIREMENTS**

In the limits below and throughout this permit, the term “minimize” means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best marine practice.

You may not add any constituents to any discharge that are not incidental to the normal operation of a vessel.

## **2.1 GENERAL REQUIREMENTS**

All discharges from your vessel must meet the following standards:

- (a) Minimize the potential for substances or pollutants to accidentally enter the effluent, including spills.
- (b) May not contain visible garbage in the effluent.
- (c) May not use any dispersants, cleaners, chemicals, or other materials or emulsifiers that would remove the appearance of a visible sheen<sup>1</sup>.
- (d) Minimize the introduction of constituents of concern or pollutants, such as foam or floating solids.
- (e) Oil, including oily mixtures, may not be discharged in quantities that may be harmful or cause a visible sheen.
- (f) The discharge of antifreeze into waters subject to this permit must be minimized. For vessel engines that have been winterized, minimization can be achieved by draining antifreeze from the engine prior to startup or capturing antifreeze when discharged from the engine upon startup. The discharge of antifreeze with toxic or known carcinogenic additives, such as ethylene glycol and methanol, is prohibited.
- (g) When feasible, cleaning, maintenance, and repair jobs should be done while the vessel is out of the water or in drydock.
- (h) Any soaps, detergents or cleaners used must be non-toxic, phosphate-free, and biodegradable. Phosphate-free soap contains by weight 0.5% or less of phosphates or derivatives of phosphates.
- (i) Any spill of oil or other harmful chemicals that are discharged in a quantity that may be harmful or cause a visible sheen as established under 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, must be reported immediately to the National Response Center at 1-800-424-8802. The National Response Center can also be contacted through their website at: [www.nrc.uscg.mil](http://www.nrc.uscg.mil).

## **2.2 FUEL MANAGEMENT**

- (a) All motorized vessels constructed on or after December 19, 2013 must have a functioning fuel-air separator or a fuel tank vent to prevent a fuel spill.
- (b) Prevent overfilling and do not top off your fuel tanks.
- (c) For motorized vessels, if the vessel does not have a functioning fuel-air separator or a fuel tank vent, you must use an oil absorbent material or other appropriate device while fueling the vessel to prevent any oil from entering waters subject to this permit.
- (d) Regularly inspect the fuel and hydraulic systems for any damage or leaks.

---

<sup>1</sup> 40 CFR 110.4 states that: “addition of dispersants or emulsifiers to oil to be discharged that would circumvent the provisions of this part is prohibited.” 33 CFR Part 151.10 (g) states that: “No discharge into the sea shall contain chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this regulation.”

- (e) Unless impracticable, fill portable tanks onshore, instead of on the dock or on your vessel.

### **2.3 ENGINE AND OIL CONTROL**

- (a) Periodically inspect the engine for any loose or leaking hoses, gaskets, and/or seals and if needed, repair or replace damaged parts as soon as possible.
- (b) Place oil absorbent material or other spill response equipment under the vessel engine or use other preventative practices to minimize oil entering the bilgewater.
- (c) Any spill or overflow of oil or other engine fluids must be cleaned up immediately. A supply of absorbent pads, pillows, or other materials should be kept onboard as appropriate for use in addressing or remediating any such spills or overflows, and supplies should be checked quarterly and restocked as necessary.
- (d) Dispose of used oil-absorbent materials onshore in containers designed for oily waste disposal.
- (e) If the vessel has a bilge oily water separator, periodically check for the presence of a visible sheen in surrounding waters while discharging.
  - If a visible sheen is observed as a result of this discharge, suspend discharge until the problem is corrected and clean up immediately.
- (f) If you do not use a U.S. Coast Guard type-approved bilge oily water separator, use an oil-absorbent material to remove any oil from the bilge before discharging.
- (g) Any discharge of packing gland or stuffing box effluent must not contain oil, including oily materials, in quantities that may be harmful. These discharges must not produce a visible sheen of oil or oily materials.
  - If accessible, segregated water which contains drips from packing gland effluent or stuffing box effluent must be checked daily for the presence of a visible sheen, while the vessel is operational and manned. If not accessible while the vessel is operational and manned, then the surrounding water must be checked for the presence of a visible sheen (while operating). If a visible sheen is observed, appropriate measures such as the use of oil absorbent materials must be used to remove the presence of oil before the effluent may be discharged. Dispersants or emulsifiers that remove the appearance of a visible sheen must not be used.
  - If a visible sheen is observed in surrounding waters as a result of this discharge, suspend the discharge until the problem is corrected and clean up immediately.
- (h) Unless technically infeasible, you must use environmentally acceptable lubricants (as defined in Part 6 of this permit) in all machinery and equipment, including but not limited to stern tubes, wires, and two-stroke engines, where discharges of oil to surrounding waters are likely to occur.

- (i) Unless infeasible, prior to pumping the bilge, inspect the bilgewater for an oily sheen. While pumping the bilge, examine the surrounding water for the presence of a visible sheen.
  - If a visible sheen is observed as a result of this bilge pumping, suspend the discharge until the problem is corrected and clean up immediately.
- (j) Dispersants, detergents, emulsifiers, chemicals or other substances that remove the appearance of a visible sheen may not be added to the bilge.

#### **2.4 SOLID AND LIQUID WASTE MANAGEMENT**

- (a) Prevent trash or garbage, including food waste, cigarette butts, bottles, and caps from entering any waste stream covered by this permit. This can be accomplished in part, by maintaining a tidy deck.
- (b) All vessels must have appropriate receptacles for retaining trash or garbage onboard the vessel. Examples of appropriate receptacles include secured trash bags or coolers, bins, or trash cans with secure lids. Store any used antifreeze, paint, out-of-date flares, or other toxics in secure containers and dispose of them properly at onshore disposal facilities.
- (c) Secure or otherwise prevent loose items on deck from entering any waste stream covered by this permit.
- (d) Prevent monofilament line, fishing nets, lines, lures, rope, bait boxes, and hooks from entering any waste stream covered by this permit.

#### **2.5 DECK WASHDOWN AND RUNOFF AND ABOVE WATER LINE HULL CLEANING**

- (a) Use all soaps and cleaners as directed by the label.
- (b) Any soaps, detergents, or cleaners used on the vessel must be non-toxic, phosphate-free, and biodegradable. The use of soaps that are labeled toxic or highly toxic is prohibited under this permit.
- (c) Prevent the introduction of on-deck debris, garbage, residue, and spills into deck washdown and runoff discharges.
- (d) Minimize the discharge of paint chips and residue, especially during cleaning, maintenance, paint application, and reapplication. When performing these activities, collect and then dispose of chips and residues onshore in accordance with applicable requirements for the facility where operations are performed.

#### **2.6 VESSEL HULL MAINTENANCE**

- (a) If the vessel is equipped with an anti-foulant system, you must minimize the impact of that system or the discharges resulting from anti-foulant paints on the aquatic environment.
  - You should consider whether the use of non-copper based paints adequately meets your anti-foulant needs and use less toxic alternatives to the extent practicable and available.

- Where drying or hull cleaning at haul-out is adequate for managing fouling (e.g., for vessels that are hauled frequently or for over-winter storage), do not use anti-fouling coatings if not needed.

Discharges of tributyltin (TBT) are prohibited (zero-discharge standard). Two potential ways to meet this standard are to:

- Have no TBT coatings; or
  - Have an effective overcoating that completely eliminates TBT discharges.
- (b) Do not clean anti-foulant paint which releases biocides for the first 90 days after application.
- (c) If the anti-foulant paint requires cleaning, gently clean hulls on a regular basis (this minimizes the need for stronger cleaners and more abrasive brushes).
- (d) When cleaning hulls coated with anti-fouling paint while the vessel is in the water, use only soft sponges. You must examine the water while cleaning to assure that you are not causing a plume of paint to form. Stop immediately if any visible plume of paint appears in the water. Consider hiring a qualified, professional hull cleaner to do the work, and ensure that they follow environmental guidelines.
- (e) When cleaning hulls coated with anti-fouling paint while the vessel is out of the water, always work away from the water in a location where paint chips and dust will not be washed into the water. Place a tarp under the area to catch loose particles, and properly dispose of paint chips, dust, and other particles. If you are working in an area that is covered by an NPDES permit (e.g. marina or drydock), you must follow the cleaning requirements of that permit.
- (f) Vessel hulls must be periodically inspected, and if necessary, cleaned to prevent the spread or dispersal of potentially invasive species.
- (g) Minimize the transport of any visible living aquatic organisms from one waterbody to another by regularly cleaning and maintaining the hull.
- (h) Prior to transporting the vessel from one waterbody to another overland, you must inspect the visible areas of the vessel for any attached or visible stowaway living organisms. If organisms are found, they must be removed and appropriately discarded onshore. Removed organisms may not be discharged into waters subject to this permit.

## **2.7 GRAYWATER**

- (a) Minimize graywater discharges in areas that have heavy vessel traffic or heavy recreational use and in marine sanctuaries, national wildlife refuges, national wild and scenic rivers, and national wilderness areas. If the vessel has the capacity to store graywater in these waters, it should be stored and later discharged in other waters or onshore.

- (b) Minimize the production of graywater while the vessel is stationary in confined waters (e.g., marinas, harbors). If the vessel has the capacity to store graywater, it should be stored and discharged at an appropriately equipped onshore facility or discharged while the vessel is underway.
- (c) You must use soaps, detergents and cleaners that are phosphate free, non-toxic, and biodegradable for any activities that may result in their introduction into graywater. Excess oils, including animal fats and vegetable oils, used during cooking must not be added to the graywater system or into any other discharge covered by this permit.

## **2.8 FISH HOLD EFFLUENT**

- (a) If you are unloading your catch at a shore-based seafood processor or other pier and a shore-based discharge facility is available and economically achievable, you must discharge your effluent (including dirty ice) to that shore-based facility instead of discharging to surrounding waters.
- (b) Do not discard any unused bait overboard, unless you caught that bait in that waterbody or watershed. Unused bait purchased from a bait shop or dealer may not be discharged overboard.
- (c) Minimize the discharge of fish hold water or ice while in port. All reasonable steps must be taken to prevent the discharge of excess fish hold water and ice while the vessel is stationary at the pier. If solid fish waste is contained in the fish hold effluent, the fish hold effluent may not be discharged while in port, unless a physical separation method is used (e.g. filters or removal of residuals).
- (d) When cleaning your fish hold, you must use non-toxic, phosphate-free, and biodegradable soaps and cleaners. Furthermore, while pierside and stationary, you may not wash any residual solids into surrounding waters.

## **2.9 BALLAST WATER**

Vessels with 8 cubic meters or greater of ballast water capacity that discharge ballast water are not authorized to discharge under this permit, and must instead seek coverage under the EPA's Vessel General Permit (VGP).

If your vessel has less than 8 cubic meters of ballast water capacity, you must:

- (a) Avoid the discharge or uptake of ballast water in areas within, or that may directly affect, marine sanctuaries, marine preserves, marine parks, shellfish beds, or coral reefs.
- (b) Minimize or avoid uptake of ballast water in the following areas and situations:
  - Areas known to have infestations or populations of harmful organisms and pathogens (e.g., toxic algal blooms).
  - Areas near sewage outfalls.
  - Areas near dredging operations.

- Areas where tidal flushing is known to be poor or times when a tidal stream is known to be turbid.
  - In darkness, when bottom-dwelling organisms may rise up in the water column.
  - Where propellers may stir up the sediment.
  - Areas with pods of whales, convergence zones, and boundaries of major currents.
- (c) If you discharge ballast water into waters covered by this permit, discharge only the minimal amount of ballast water essential for vessel operations.
- (d) When feasible, use one of the following measures to reduce the potential for transfer or introduction of organisms to waters of the U.S.:
- Use potable water for ballasting.
  - Utilize onshore treatment or disposal methods for ballast water.
  - For vessels that conduct fixed routes, capture and reuse ballast water in each port.

#### **2.10 SEAWATER COOLING OVERBOARD DISCHARGE**

- (a) When possible, seawater cooling overboard should be discharged when the vessel is underway to minimize any thermal impacts to the receiving water.
- (b) To reduce the production and discharge of seawater cooling overboard discharge, EPA recommends that vessel owner/operators use shore-based power when the vessel is in port if:
- Shore power is readily available for vessel owner/operators from utilities or port authorities;
  - Shore-based power supply systems are capable of providing all needed electricity required for vessel operations; and
  - The vessel is equipped to connect to shore-based power and such systems are compatible with the available shore power.

#### **2.11 COMPLIANCE WITH OTHER STATUTES AND REGULATIONS**

As a condition of this permit, discharges incidental to the normal operation of a vessel subject to this permit must be in compliance with all applicable Federal laws. Applicable Federal laws follow:

- (a) Section 311 of the Clean Water Act, 33 § U.S.C. 1321 and its implementing regulations, including 40 CFR Part 110
- (b) National Marine Sanctuaries Act, 16 § U.S.C. 1431 *et seq.* and its implementing regulations found at 15 CFR Part 922 and 50 CFR Part 404

- (c) United States Department of Agriculture Federal Noxious Weed Act, 7 § U.S.C. 2801 *et seq.* and its implementing regulations found at 7 CFR Part 360
- (d) Act to Prevent Pollution from Ships, 33 §U.S.C. 1901 *et seq.*
- (e) Federal Insecticide, Fungicide, and Rodenticide Act, 7 § U.S.C. 136 *et seq.*

### **3. MONITORING AND RECORDKEEPING**

#### **3.1 RECORDKEEPING REQUIREMENTS**

- All vessel owner/operators must read and sign the PARI Form found in Appendix A of this permit. This form must be signed and kept on board the vessel at all times to maintain valid sVGP coverage.
- The vessel owner/operator must conduct quarterly visual inspections in accordance with Part 3.2 of this permit and certify that the inspections were completed on the PARI Form.

#### **3.2 QUARTERLY VISUAL INSPECTION REQUIREMENTS**

- Vessel owner/operators must conduct a quarterly visual inspection of each vessel covered by this permit. The inspection can be conducted by you or your authorized representative. The inspection must cover all discharges and all applicable areas which impact discharges covered by the permit and at minimum, the visible portions of the hull. The inspection must ensure that all areas are clear of garbage, exposed raw materials, oil, or any other materials that could be discharged into any waste stream or receiving waters and that there is no uncontrolled or unmanaged sources of these pollutants.
- While the vessel engine is operating, frequently check the area around and behind the vessel to ensure that no visible sheen, dust, chemicals, or discoloration is originating from the vessel.
- Check to ensure that all equipment on board is in proper working condition. This equipment includes, as appropriate, oily water separators, monitors, bilges, pumps, and generators.
- Check all protective seals for lubrication and hydraulic oil leaks.
- During the quarterly visual inspection, you must document any problem(s) requiring corrective action and corrective actions that were taken to resolve the problem(s). The dates of these inspections must be documented on the sVGP PARI Form along with any corrective actions taken.

### **4. ADDITIONAL REQUIREMENTS**

#### **4.1 CONTINUATION OF THIS PERMIT**

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with section 558(c) of the Administrative Procedure Act and EPA regulations at 40 CFR Part 122.6 and all permit limitations and conditions will remain in force and effect for discharges that were covered prior to expiration. If you were

granted permit coverage prior to the expiration date, you will automatically remain covered by this permit until the earliest of:

- Your authorization for coverage under a reissuance or replacement of this permit; or
- Issuance of a new general permit which covers your vessel discharges or vessel type and provides you coverage without requiring you to submit a notice of intent to obtain coverage; or
- Issuance or denial of an individual permit for the vessel's discharges; or
- A formal permit decision by EPA not to reissue this general permit, at which time EPA will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.

#### **4.2 ALTERNATIVE PERMITS**

Pursuant to 40 CFR Part 122.28(b)(3), EPA may require you to apply for an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition EPA to take action under this paragraph. If EPA requires you to apply for an individual NPDES permit, EPA will notify you in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and will provide application information for alternative permits. In addition, if you are an existing permittee authorized to discharge under this permit, the notice will set a deadline to file the permit application, and will include a statement that on the effective date of the individual NPDES permit, or the alternative general permit as it applies to you, coverage under this general permit will terminate. EPA may grant additional time to submit the application if you request it. If you are covered under this permit and fail to submit an individual NPDES permit application as required by EPA, then your coverage under this permit is terminated at midnight on the day specified by EPA as the deadline for application submittal. In addition, if EPA denies your application for an individual NPDES permit, you are also not authorized to discharge under this general permit.

When an individual NPDES permit is issued to you or you are authorized to discharge under an alternative NPDES general permit, your coverage under this permit is terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

##### **4.2.1 Permittee Requesting Coverage under an Alternative Permit**

You may request to be excluded from coverage under this general permit by applying for an individual permit. In such a case, you must submit an individual permit application in accordance with the requirements of 40 CFR Part 122.21 with reasons supporting the request, to EPA at the appropriate EPA Regional Office(s) listed in Part 13 of this permit, no later than 90 days after the date of publication of final permit in the Federal Register. The request may be granted by issuance of an individual permit or authorizing coverage under an alternative general permit if your reasons are adequate to support the request. A source excluded from this general permit solely because it already has an individual permit may request that the individual permit

be revoked, and that it be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to the source.

When an individual NPDES permit is issued to you or you are authorized to discharge under an alternative NPDES general permit, your authorization to discharge under this permit is terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit.

#### **4.3 PERMIT COMPLIANCE**

Any noncompliance with the requirements of this permit constitutes a violation of the Clean Water Act. Each day a violation continues is a separate violation of this permit.

The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both. In addition, false statements or representations, as well as alterations or false entries in documents, may be punishable by more severe criminal penalties pursuant to 18 U.S.C. §1001 or 18 U.S.C. §1519.

To provide clarity for the permittee, there are additional reminders in certain sections of this permit about what constitutes a permit violation. The absence of such a reminder in a particular section does not mean that failure to meet that requirement is not a permit violation.

#### **4.4 DUTY TO PROVIDE INFORMATION**

EPA may request any information required to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. You must provide any requested information within a reasonable time following the request.

#### **4.5 INSPECTION AND ENTRY**

The vessel owner or operator shall allow EPA or an authorized representative to:

1. Inspect any vessel, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
2. Sample or monitor, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

Authorized representatives include the U.S. Coast Guard, an authorized contractor acting as a representative of the Administrator or Director, or an appropriate state agency. Authorized representatives should present their credentials to the vessel owner or operator before inspecting or entering any vessel.

This section does not limit or replace EPA's authorities under Section 308 of the CWA, including the authority to enter, access, inspect, sample, monitor, and obtain information to verify compliance with the CWA.

#### **4.6 PROPERTY RIGHTS**

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

#### **4.7 SEVERABILITY**

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. The permit stands even if portions are remanded unless, as a result of the remand, the permit would not meet the minimum legal requirements for NPDES permits under the CWA or its implementing regulations.

#### **4.8 STATE LAWS**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by section 510 of the CWA.

#### **4.9 FEDERAL LAWS**

Nothing in this permit shall be construed to affect, supersede, or relieve the vessel owner or operator of any otherwise applicable requirements or prohibitions under other provisions of Federal law or regulations.

#### **4.10 STANDARD PERMIT CONDITIONS**

Permittees must follow all standard conditions required in 40 CFR Part 122.41.

As required by 40 CFR Part 122.44(p), you must comply with any applicable regulations promulgated by the Secretary of the Department in which the Coast Guard is operating, that establish specifications for transportation, handling, carriage, and storage of pollutants.

In addition, discharges under this permit into the Great Lakes System (as defined in 40 CFR Part 132.2) must comply with any conditions promulgated by the State, Tribe, or EPA pursuant to 40 CFR Part 132 that are applicable to the discharges that are incidental to the normal operation of your vessel.

Additionally note that the standard permit condition at 40 CFR 122.44(i)(5) requires all instances of noncompliance be reported to EPA at least once per year. A list of appropriate Region contacts can be found on the EPA webpage at <http://cfpub.epa.gov/npdes/vessels/monitoringreporting.cfm>.

As a requirement of the sVGP, noncompliance reports for the previous calendar year must be reported by February 28<sup>th</sup> of the following calendar year. The sVGP contains an annual non-compliance form in Appendix B which must be used when submitting non-compliance reports.

#### **4.11 WATER-QUALITY-BASED EFFLUENT LIMITATIONS**

The requirements in this Part constitute the water quality-based effluent limitations in this permit. These water-quality-based effluent limitations supplement this permit's technology-based limitations in Parts 2 and 3 of this permit.

Your discharge must be controlled as necessary to meet applicable water quality standards in the receiving waterbody or another waterbody impacted by your discharges. EPA expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that your discharge causes or contributes to an exceedance of applicable water quality standards, you must take action to bring your vessel discharge into compliance, and you must report exceedances of water quality standards and the steps you take to bring your vessel into compliance on your annual noncompliance report.

EPA may impose additional water quality-based limitations on a site-specific basis or require you to obtain coverage under an individual permit if any information indicates that your discharges are not controlled as necessary to meet applicable water quality standards, either in the receiving waterbody or another waterbody impacted by your discharges. EPA or an authorized representative of EPA may inform vessel operators of specific requirements.

##### **4.11.1 Dischargers to Water Quality Impaired Waters**

Impaired waters or "water quality limited segment[s]" are those which have been identified by a State or EPA pursuant to Section 303(d) of the CWA as not meeting applicable State water quality standards. Impaired waters may include both waters with EPA-approved or EPA-established Total Maximum Daily Loads (TMDLs) and those for which EPA has not yet approved or established a TMDL.

If you discharge to an impaired water without an EPA-approved or established TMDL, you are required to comply with the requirements of this section, including any additional requirements that EPA may impose pursuant to this section. Note that this provision also applies to situations where EPA determines that your discharge is not controlled as necessary to meet water quality standards in another water body, even if your discharge is to a receiving water that is not specifically identified on a Section 303(d) list.

If you discharge to an impaired water with an EPA-approved or established TMDL and EPA or state TMDL authorities have informed you that a Waste Load Allocation (WLA) has been established that applies specifically to your vessel's discharges, to discharges from vessels in

your vessel class or type, or to discharges from vessels in general if applicable, your discharge must be consistent with the assumptions and requirements of that WLA. If such a WLA exists, EPA will inform you if any additional limits or controls are necessary for your discharges to be consistent with the assumptions of any available WLA in the TMDL, or whether an individual permit application is necessary in accordance with Part 4.2. Note that this provision also applies to situations where EPA determines that your discharges are covered by the WLA in an EPA-approved or established TMDL for another water body, even if your discharge is to a receiving water that is not specifically identified on a Section 303(d) list.

If an applicable TMDL exists either individually or categorically for your vessel or vessel class (including disallowing discharges from your vessel), EPA and/or state TMDL agencies will inform vessel operators of specific requirements via dock side postings, information made available from the Captain of the Port, or by specifically contacting your vessel.

#### **4.12 GENERAL PROVISIONS**

Note that:

- All requirements in this permit to comply with statutes and regulations, other than Clean Water Act section 402 and its implementing regulations, refer to those authorities as codified as of the date of Federal Register notice announcing the availability of the final sVGP.
- All requirements to comply with specified statutes include the requirement to comply with any applicable implementing regulations.
- EPA intends to implement the sVGP in accordance with the Clean Water Act as well as U.S. international legal obligations, including those obligations associated with a vessel's right to innocent passage as provided for under customary international law.

#### **5. STATE SPECIFIC REQUIREMENTS**

Permit conditions applicable to specific states, Indian Country, or territories will be included in the final permit through the CWA Section 401 certification process.

#### **6. DEFINITIONS**

The following definitions apply to this permit. Terms not defined in this Appendix have the meaning given by 40 CFR Part 122.2. When a defined term appears in a definition, the defined term is placed in quotation marks as an aid to readers. *[source: intro to 40 CFR 122.2]*

“Bilgewater” means the wastewater from a variety of sources that accumulates in the lowest part of the vessel (the bilge).

“Bioaccumulative” means the partition coefficients in the marine environment are  $\log K_{ow} > 3$  using test methods OECD 117 and 107.

“Biocide” means a substance or organism, including a virus or a fungus, that is introduced or produced to kill or eliminate organisms to prevent biofouling, to prevent the transfer of invasive species, or otherwise eliminate organisms onboard the vessel.

“Biodegradable” means, the following for purposes of the sVGP:

Regarding cleaning products and environmentally acceptable lubricants, biodegradable means testing that demonstrates either the removal of at least 70 percent of dissolved organic carbon, production of at least 60 percent of the theoretical carbon dioxide, or consumption of at least 60 percent of the theoretical oxygen demand within 28 days. Acceptable test methods include: Organization for Economic Co-operation and Development Test Guidelines 301 A-F, 306, and 310, and International Organization for Standardization 14593:1999.

Regarding biocidal substances, biodegradable means that biocidal substances yield 60 percent of theoretical maximum carbon dioxide and demonstrate a removal of at least 70 percent of dissolved organic carbon within 28 days as described in EPA 712-C-98-075 (OPPTS 835.3100 Aerobic Aquatic Biodegradation).

“Constructed” means a state of construction of a vessel at which—

“(A) the keel is laid;

“(B) construction identifiable with the specific vessel begins;

“(C) assembly of the vessel has begun comprising at least 50 tons or 1 percent of the estimated mass of all structural material of the vessel, whichever is less; or

“(D) the vessel undergoes a major conversion.” [*patterned after the [International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, regulation A-1\(4\)](#)*]

“Control measure” means any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

“Deck” means a horizontal surface or part thereof serving as a floor or structural support over the upper section of the hull and which is exposed to weather and sea such as freeboard and superstructure decks from which runoff may originate.

“Deck runoff” means the precipitation, washdowns, and seawater falling on the weather deck of a vessel and discharged overboard through deck openings. [*source: 40 C.F.R 1700.4*]

“Discharge incidental to the normal operation of a vessel” means those discharges that were excluded from the NPDES permitting program by operation of 40 C.F.R. 122.3(a) as in effect on September 29, 2008.

“Environmentally acceptable lubricants” means lubricants that are “biodegradable” and “non-toxic,” and are not “bioaccumulative” as defined in this permit. Products meeting the

permit's definitions of being an "environmentally acceptable lubricant" include those labeled by the following labeling programs: Blue Angel, European Ecolabel, Nordic Swan, the Swedish Standard (SS 155470).

"Fouling organisms" means any aquatic flora and/or fauna which attach to, associate with, and/or grow on or in the vessel.

"Graywater" means galley, bath, and shower water, as well as wastewater from lavatory sinks, laundry, and water fountains. *[modified from 40 C.F.R. 1700.4 but removed shop sinks]*

"In port" means, for the purposes of this permit, anchored, moored, or otherwise secured while located in waters subject to this permit which are inside the baseline of the U.S. territorial sea.

"Major conversion" means a conversion of a vessel, that—

- substantially alters the dimensions or carrying capacity of the vessel;
- changes the type of the vessel; or
- the intent of which, in the opinion of the director, is substantially to prolong its life. *[modified from 33 CFR § 151.05 with the exception language specific to MARPOL removed]*

"Mile" means nautical mile as used in this permit, or 6076.1 feet or 1.852 kilometers.

"Non-toxic" means a substance must pass both OECD 201, 202, and 203 for acute toxicity testing, and OECD 210 and 211 for chronic toxicity testing. If a substance is evaluated for the formulation and main constituents, the LC<sub>50</sub> of hydraulic fluids must be at least 100 mg/L and the LC<sub>50</sub> of greases, two-stroke oils, and all other total loss lubricants must be at least 1000 mg/L. If a substance is evaluated for each constituent substance, rather than the complete formulation and main compounds, then constituents comprising less than 20% of hydraulic fluids can have an LC<sub>50</sub> between 10-100 mg/L or a no observed effect concentration (NOEC) between 1-10 mg/L, constituents comprising less than 5% of hydraulic fluids can have an LC<sub>50</sub> between 1-10 mg/L or a NOEC between 0.1-1 mg/L, and constituents comprising less than 1% of hydraulic fluids can have an LC<sub>50</sub> less than 1 mg/L or a NOEC between 0-0.1 mg/L.

"Non-toxic soaps, cleaners, and detergents" means any substance or mixture of substances which has an acute aquatic toxicity value (LE50) corresponding to a concentration greater than 10 ppm and does not produce "byproducts" with an acute aquatic toxicity value (LE50) less than 10 ppm.

"Noxious Liquid Substances" ("NLS") has the same meaning given that term by 33 CFR Part 151, Subpart A.

"Oil" means oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. *[source: 33 CFR 154.105]*

“Oil in quantities that may be harmful” means any discharge of oil having the effects identified in 40 CFR 110.3, provided that this term does not include those discharges specified in 40 CFR 110.5(a) – (c).

“Oily mixture” means a mixture, in any form, with any oil content, including, but not limited to:

(1) slops from bilges; (2) slops from oil cargoes (such as cargo tank washings, oily waste, and oily refuse; (3) oil residue; and (4) oily Ballast Water from cargo or fuel oil tanks. *[source: 33 CFR 151.05]*

“Owner or operator” and “Owner/Operator” means the owner or operator of any facility or activity subject to regulation under the NPDES program. For purposes of this permit, “Owner” means a party, including a charterer by demise, who:

- (1) has operational control over vessel activities, including the ability to modify those activities; or
- (2) has day-to-day operational control of those activities that are necessary to ensure compliance with the permit or to direct workers to carry out activities required to comply with the permit.

“Person” means an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof. *[source: 40 CFR Part 122.2]*

“Phosphate Free” soaps, cleaners, and detergents means these materials which contain, by weight, 0.5% or less of phosphates or derivatives of phosphates.

“Port” see “In Port.”

“Recreational vessel” means any “vessel” that is manufactured or operated primarily for pleasure or leased, rented, or chartered to another for the pleasure of that person. This term does not include a vessel that is subject to Coast Guard inspection and that is engaged in commercial use or carries paying passengers. *[source: 33 U.S.C. 1362(25)]*

“Sewage” means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes that are discharged from vessels, except that with respect to commercial vessels on the Great Lakes, the term “sewage” also includes galley, bath, and shower water.

“Territorial sea” has the meaning assigned by section 502(8) of the Federal Water Pollution Control Act (33 U.S.C. 1362(8)).

“Toxic and hazardous materials” means, for purposes of the VGP: any substance identified in 40 CFR 116.4; any toxic pollutant identified in 40 CFR 401.15; and any hazardous material as defined in 49 CFR 171.8.

“United States” means the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands. *[source: modified from 33 U.S.C. 1362(3)]*

“Vessel” means every description of watercraft or other artificial contrivance being used as a means of transportation on “waters subject to this permit.” *[modified from CWA § 312(a)]*

“Visible sheen” means a “silvery” or “metallic” sheen, gloss, or increased reflectivity; visual color; iridescence; or oil slick on the surface. *[source: 58 FR 12507]*.

“Waters subject to this permit” means “waters of the US” as defined in as 40 CFR 122.2 and extends to the outer reach of the 3 mile territorial sea as defined in section 502(8) of the CWA, unless otherwise excluded from coverage by Part 6 of the permit.

“You” means the “owner” or “operator” of a permitted vessel.

## **7. EPA REGIONAL CONTACTS**

An updated EPA regional contact list is maintained at [www.epa.gov/npdes/vessels](http://www.epa.gov/npdes/vessels).

### **Region 1 – CT, ME, MA, NH, RI, VT, and 10 Tribal Nations**

5 Post Office Square, Suite 100  
Mail Code OEP06-1  
Boston, MA 02109-3912

### **Region 2 – NJ, NY, PR, VI, and 7 Tribal Nations**

290 Broadway, 24th Floor  
New York, NY 10007-1866

### **Region 3 – DE, DC, MD, PA, VA, WV**

1650 Arch St  
Philadelphia, PA 19103

### **Region 4 – AL, FL, GA, KY, MS, NC, SC, TN, and 2 Tribes**

Atlanta Federal Center  
61 Forsyth St SW  
Atlanta, GA 30303-3104

### **Region 5 – IL, IN, MI, MN, OH, WI, and 35 Tribes**

Ralph Metcalfe Federal Building  
77 W Jackson Blvd  
Chicago, IL 60604-3507

### **Region 6 – LA, AR, OK, NM, TX, and 65 Tribes**

1445 Ross Ave  
Dallas, TX 75202-2733

### **Region 7 – IA, KS, MO, NE, and 9 Tribes**

901 N 5th St  
Kansas City, KS 66101

### **Region 8 - CO, MT, ND, SD, UT, WY, and 27 Tribal Nations**

1595 Wynkoop St  
Denver, CO 80202-1129

### **Region 9 – AZ, CA, HI, NV, and Pacific Islands**

75 Hawthorne St  
San Francisco, CA 94105-3901

### **Region 10 – AK, ID, OR, WA, and Native Tribes**

1200 6th Ave  
Seattle, WA 98101-1128

**8. APPENDIX A – PERMIT AUTHORIZATION AND RECORD OF INSPECTION (PARI) FORM**

**Small Vessel General Permit (sVGP) Authorization and Record of Inspection (PARI) Form**

<b>I. Vessel Owner/Operator Information</b>				
Vessel Owner/Operator _____		Phone _____		
Address and Email Address: _____				
<b>II. Vessel Information</b>				
Vessel Name _____		Vessel Type _____		
Vessel Identifier _____ <input type="checkbox"/> Registered number/operating number <input type="checkbox"/> IMO number				
<b>III. Owner/Operator Acknowledgement</b>				
By signing this form, I acknowledge that I have read and am familiar with the sVGP and that I am implementing all permit requirements contained in the sVGP.				
<b>IV. Certification Information</b>				
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.				
_____ (Signature and Date)				
<b>V. Quarterly Inspections by Year</b>				
A. 2014	1 <sup>st</sup> Qtr Inspection Completed: <input type="checkbox"/>	2 <sup>nd</sup> Qtr Inspection Completed: <input type="checkbox"/>	3 <sup>rd</sup> Qtr Inspection Completed: <input type="checkbox"/>	4 <sup>th</sup> Qtr Inspection Completed: <input type="checkbox"/>
Date Initial Here	__/__/____	__/__/____	__/__/____	__/__/____
I certify that I have completed all of my quarterly inspections for 2014 in accordance with Part 3.2 of the sVGP				
_____ (Signature and Date)				
B. 2015	1 <sup>st</sup> Qtr Inspection Completed: <input type="checkbox"/>	2 <sup>nd</sup> Qtr Inspection Completed: <input type="checkbox"/>	3 <sup>rd</sup> Qtr Inspection Completed: <input type="checkbox"/>	4 <sup>th</sup> Qtr Inspection Completed: <input type="checkbox"/>
Date Initial Here	__/__/____	__/__/____	__/__/____	__/__/____
I certify that I have completed all of my quarterly inspections for 2015 in accordance with Part 3.2 of the sVGP				
_____ (Signature and Date)				
C. 2016	1 <sup>st</sup> Qtr Inspection Completed: <input type="checkbox"/>	2 <sup>nd</sup> Qtr Inspection Completed: <input type="checkbox"/>	3 <sup>rd</sup> Qtr Inspection Completed: <input type="checkbox"/>	4 <sup>th</sup> Qtr Inspection Completed: <input type="checkbox"/>
Date: Initial Here:	__/__/____	__/__/____	__/__/____	__/__/____
I certify that I have completed all of my quarterly inspections for 2016 in accordance with Part 3.2 of the sVGP				
_____ (Signature and Date)				
D. 2017	1 <sup>st</sup> Qtr Inspection Completed: <input type="checkbox"/>	2 <sup>nd</sup> Qtr Inspection Completed: <input type="checkbox"/>	3 <sup>rd</sup> Qtr Inspection Completed: <input type="checkbox"/>	4 <sup>th</sup> Qtr Inspection Completed: <input type="checkbox"/>
Date Initial Here	__/__/____	__/__/____	__/__/____	__/__/____
I certify that I have completed all of my quarterly inspections for 2017 in accordance with Part 3.2 of the sVGP				
_____ (Signature and Date)				
E. 2018	1 <sup>st</sup> Qtr Inspection Completed: <input type="checkbox"/>	2 <sup>nd</sup> Qtr Inspection Completed: <input type="checkbox"/>	3 <sup>rd</sup> Qtr Inspection Completed: <input type="checkbox"/>	4 <sup>th</sup> Qtr Inspection Completed: <input type="checkbox"/>
Date Initial Here	__/__/____	__/__/____	__/__/____	__/__/____
I certify that I have completed all of my quarterly inspections for 2018 in accordance with Part 3.2 of the sVGP				
_____ (Signature and Date)				

*Proposed Small Vessel General Permit (sVGP)*

---

**Corrective Action Records for the sVGP**

*If you need to take any corrective actions resulting from your quarterly visual inspections please record your findings on the next page*

Date	sVGP Requirement Affected	Description	Cause	Description of Corrective Action Performed or Scheduled

Please include additional pages as necessary.

**9. APPENDIX B – ANNUAL NON-COMPLIANCE FORM**

United States Environmental Protection Agency, Washington, DC 20460  
Annual Noncompliance Form for Discharges Incidental to the Normal Operation  
of a Vessel under the NPDES small Vessel General Permit (sVGP)

**A. Vessel Owner/Operator Information:**

Name:  
Street:  
City: State: Zip:  
Country:  
Phone: Fax (optional):  
E-mail:

**B. Vessel Information:**

Vessel Name:  
Vessel ID/ Registered Number/ IMO number:  
Vessel Call Sign:  
Flag State/Port of Registry:  
Type of Vessel (select one):  
 Commercial Fishing Vessel       Barge  
 Ferry       Research Vessel  
 Rescue Vessel       Other: \_\_\_\_\_  
Vessel Weight:  Gross Tons       Gross Registered Tons  
Vessel Length:  Feet       Meters

**C. Instances of Noncompliance**

Please fill out the information below describing your instances of noncompliance (e.g., not using phosphate free soaps). Use additional pages if necessary

Date	sVGP Requirement Affected	Description of Noncompliance	Cause of Noncompliance	Description of Corrective Action Performed or Scheduled

**D. Certification Information**

I certify under penalty of law that the information contained in this form is, to the best of my knowledge and belief, true, accurate and complete. Furthermore, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_

Signature and Date

Print Name:

Title:

E-mail: