



PATRIOT MARITIME COMPLIANCE, LLC

07 December 2018

PMC CLIENT ADVISORY 24-2018

Subject: Replacement of U.S. EPA Vessel General Permit (VGP) Program

To: All Clients

In PMC Client Advisory 21-2018 **Extension of Current U.S. EPA VGP Program**, we stated that the VGP Program would be extended until March 2019, and that Electronic Notice of Intents (e-NOIs) could not be issued after 18 December 2018.

This week the President of the United States signed into law the **Vessel Incidental Discharge Act (VIDA)**. This law is included in the **Frank LoBiondo Coast Guard Reauthorization Act of 2018**.

VIDA modifies the Clean Water Act (CWA) by adding Section 312(p): Uniform National Standards for Discharges Incidental to Normal Operation of Vessels. The U.S. Environmental Protection Agency (EPA) and the U.S. Coast Guard (USCG) are still assessing the implications of this new law but several important points are provided below.

Vessel General Permit (VGP)

The VGP will not be reissued, as was the case when the 2008 VGP expired. The existing 2013 VGP requirements as currently written will remain in force until new regulations are developed by the EPA and USCG, finalized, and become enforceable. The EPA will first develop and publish a National Standards of Performance (NSPs), and afterwards the USCG will develop the NSPs into implementing regulations. VIDA mandates a four year deadline for this development.

In PMC Client Advisory 21-2018 we stated that new vessels and existing vessel that did not have a current e-NOI would be unable to obtain coverage under the 2018 VGP through the e-NOI process after 18 December 2018. As a result of VIDA, e-NOIs can be submitted after December 18, 2018, consistent with the 2013 VGP requirements (i.e., operators must submit NOIs at least one week prior to discharging in waters subject to the permit).



Small Vessel General Permit (sVGP)

The Small Vessel General Permit (sVGP), for vessels less than 79 feet in length, is repealed effective immediately. This program has been postponed several times and never actually went into effect.

However, there is one very important exception. Any small vessel or commercial fishing vessel that would have been covered under the sVGP, which will discharge ballast water into waters of the U.S., must still obtain permit coverage under the VGP before they can discharge ballast water into waters regulated by the VGP.

Please [contact our office](#) if you have any questions for PMC.

Yours Truly,

Richard M. Naccara
President