



## **EPA NPDES Vessel General Permit: eNOI Update**

### **CIRCULAR 011-09**

18 June 2009

#### **\*Background**

As reported in previous circulars the Environmental Protection Agency (EPA) has implemented regulations for discharges incidental to the normal operation of vessels. Applicable vessels have been automatically authorized to discharge in accordance with the Vessel General Permit (VGP) since February 6, 2009. Documentation requirements have been effective since February 19, 2009. The relevant Circulars are 023-08, 026-08, 027-08, and 028-08

It is necessary to submit a Notice of Intent (NOI) prior to September 19, 2009 for all vessels that wish to continue to operate uninterrupted under the authorization of the VGP. The purpose of the NOI is for the vessel operator to certify a vessel has implemented sufficient policies to ensure compliance with the VGP inspection, monitoring and documentation requirements.

#### **\*Update**

O'Brien'sRM has received many inquiries regarding the submission of the NOI, especially from those who have requested us to submit the NOI on their behalf. As your "Partner in Compliance" we want you to know we are taking a systematic planned approach to providing this service for you. We have been in regular contact with the EPA during the development of the eNOI system in order to ensure the submission process is successful. This led to the development of the batch file upload capability that was made available on the EPA website. On June 8, 2009 the EPA began accepting eNOI submissions on their website: <http://cfpub.epa.gov/npdes/enoi.cfm>. Since that time we have received some reports of confusion and difficulties in completing eNOI submissions due to inconsistent and conflicting instructions provided by the EPA. As a result we have been in close contact with the EPA to address these concerns as we prepare to submit NOIs for several thousand vessels.

Our plan is to complete the NOI submissions by mid-July for those who have requested this service. This is eight weeks prior to the deadline, September 19, 2009 for NOI submission. Currently, we have all of the necessary information on file to successfully submit the NOI for your vessels. Upon completion of the NOI submission for each vessel, we will send correspondence with detailed instructions of how to verify and activate the NOI submission. After completing this verification step, you will be directed to print out a confirmation receipt of the NOI and place it on board each vessel. We will invoice your company for the NOI submission fee of \$100 per vessel once the NOI has been successfully submitted.

The following are important things to remember regarding NOI submission:

- The EPA has allocated three months to receive and process vessel Notices of Intent. The deadline for the submission of the NOI is **September 19, 2009**.
- There is **no** consequence to your vessels as long as the NOI is submitted prior to September 19, 2009.
- Vessels that do not submit a NOI prior to September 19, 2009 and intend to operate in US waters (0-3 miles) will be required to submit a NOI at least 30 days prior to operating in US waters (0-3 miles) or apply for an individual NPDES permit.

- The EPA has recommended that all vessels that **may** operate in US waters (0-3 miles) submit a NOI prior to September 19, 2009.
- Vessels that operate in US waters (0-3 miles) without having submitted a NOI after September 19, 2009 or prior to the completion of the 30 day NOI review and approval process after September 19, 2009 **may** be subject to enforcement actions including costly delays and civil penalties.

Please note successful confirmation of NOI submission does not absolve a vessel from the responsibility to comply with all of the VGP inspection, monitoring and documentation requirements onboard while operating in US waters (0-3 miles).

**\*For those who have implemented O'Brien'sRM Compliance package**

- A copy of the Compliance Document and associated enclosures should be kept in the company office and onboard each vessel. **Note:** Having these documents on board does not take the place of compliance with the VGP requirements. However, these documents may serve as a **company policy** for achieving and maintaining compliance with the requirements of the VGP. As such vessel owner/operators and crew should be familiar with the VGP requirements applicable to their vessel.
- It is recommended that the **Enclosure 1 - Applicability of Discharges & Best Management Practices Table** that accompanies the Compliance Document should be completed by the Owner/Operator and a vessel-specific copy be kept on board in order to demonstrate compliance with the requirements of the VGP. This table includes the permit effluent limits and requirements from Section 2 of the Compliance Document. Much of this information should already be addressed in the vessel's current ISM Code SMS Plan.
- Complete **Enclosure (3) – Vessel Discharge Inspection Checklist** on a weekly basis when operating in US waters (0-3 miles). For each voyage into US waters you must have at least one completed checklist. A checklist must be completed even if the ship is in US waters for less than one week. This should be done by the Master/Crew of each vessel and documentation kept on board.

**\*Applicability**

- All commercial vessels 79 feet in length or greater, or over 300 GT, or with a ballast water capacity of more than 8 m<sup>3</sup> that call US waters (0-3 miles) are required to comply with the VGP and submit a NOI.
- With the exception of ballast water discharges, this is **not** applicable to commercial fishing vessels of any length or non-recreational vessels under 79 feet in length.
- This is **not** applicable to recreational vessels as defined in section 502(25) of the Clean Water Act.

**\*Actions to be taken**

- Establish a company policy to ensure vessels are compliant with implementation, monitoring and documentation of best management practices for the 26 discharges covered by the permit that are applicable for each vessel. Contact us at [vgp@obriensrm.com](mailto:vgp@obriensrm.com) for more information regarding the electronic Compliance Document available for a one-time fee of \$250 USD per company.
- Submit an NOI for each applicable vessel that operates or may operate in US waters (0-3 miles) prior to September 19, 2009. O'Brien'sRM is happy to submit NOIs on behalf of your company. For more information contact us at [vgp@obriensrm.com](mailto:vgp@obriensrm.com). The cost for NOI submission is \$100 USD per vessel.
- Keep a copy of the NOI submission confirmation receipt onboard the vessel.

The O'Brien'sRM staff follows very closely developments with VGP regulations and will continue to provide updates as soon as new information becomes available. We are in regular contact with the staff at the EPA that is managing the VGP.

If you should have any questions or comments, please do not hesitate to contact us at [inquiry@obriensrm.com](mailto:inquiry@obriensrm.com).