

U.S. Department of
Homeland Security


United States
Coast Guard



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CG-543 Policy Letter 11-01


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To: Distribution

Subj: GUIDELINES FOR COAST GUARD EVALUATIONS OF COMPLIANCE WITH
THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S (EPA) VESSEL
GENERAL PERMIT (VGP) FOR DISCHARGES INCIDENTAL TO THE NORMAL
OPERATION OF VESSELS

1. Purpose. To provide guidance to assist Coast Guard personnel to evaluate compliance with the provisions of the EPA's VGP, for U.S. and foreign-flagged vessels subject to the VGP and operating in the waters of the United States, as defined by 40 CFR 122.2.
2. Directives Affected. None.
3. Action. Sector Commanders/Officers in Charge, Marine Inspection (OCMIs) must direct their staffs to use the guidance in enclosure (1) during U.S. flag vessel inspections and foreign Port State Control (PSC) examinations respectively, to ensure all U.S. inspected vessels and all foreign-flag vessels operating in waters of the United States that are subject to the VGP comply with the provisions of the VGP. OCMIs should bring this policy to the attention of appropriate individuals in the marine industry.
4. Background.
 - a. The EPA issued the VGP on December 18, 2008 to regulate discharges incidental to the normal operation of a vessel under the Clean Water Act (CWA), which prohibits the discharge of any pollutant to waters of the United States from any point source without a National Pollutant Discharge Elimination System (NPDES) permit. The permit became effective on December 19, 2008.
 - b. The EPA established and implemented the VGP in response to a District Court ruling that vacates, as of February 6, 2009, a long-standing EPA regulation that excludes discharges incidental to the normal operation of a vessel from the need to obtain an NPDES permit. As a result, most vessels operating in US waters must have some form of NPDES permit coverage or else they will be discharging, and consequently operating, illegally in the waters of the United States.

- c. The VGP applies to discharges incidental to the normal operation of all non-recreational vessels of 79 feet or greater in length. In addition, the ballast water discharge provisions also apply to any non-recreational vessel of less than 79 feet or commercial fishing vessel of any size discharging ballast water.
- d. The VGP covers 26 different types of discharges, many of which have not previously been covered by U.S. regulations. For ballast water discharges, the VGP incorporates the Coast Guard's mandatory ballast water management standards and has several additional mandatory management requirements. The VGP also has additional requirements for eight vessel types such as large and medium-sized cruise vessels and oil tankers. Under the CWA, discharges of pollutants from vessels that are not covered by the VGP are unlawful unless they are separately covered under another CWA permit or are exempt from permitting requirements (for example, sewage from vessels, incidental discharges from a vessel of the armed forces, or discharges in compliance with the instructions of a federal on-scene coordinator).
- e. The VGP requires vessel owners/operators to perform training, inspections, monitoring, and reporting, and take assessments and corrective actions as necessary. It also requires vessel owners or operators to submit a Notice of Intent (NOI) to receive permit coverage and submit a one-time permit report between 30 and 36 months after obtaining permit coverage.
- f. The EPA has posted electronic copies of the VGP and other related information, including VGP Fact Sheets, on the EPA's NPDES – Vessel Discharges webpage at www.epa.gov/npdes/vessels.

5. Discussion.

- a. The VGP is an EPA permitting program under the CWA. The EPA developed and manages the VGP, and has the primary federal responsibility for enforcing its provisions. The Coast Guard's role up to this point of time has been focused on education and outreach.
- b. Noting that since the provisions provided in the VGP require vessel operators to utilize best practices in the management of shipboard discharges incidental to the normal operation of the vessel in order to protect the marine environment, the Coast Guard shares a mutual interest in ensuring vessels comply with VGP provisions. Therefore, in fulfilling its role as the nation's lead maritime law enforcement agency and to carry out its mission of environmental stewardship, it is in the interest of the Coast Guard to assist the EPA in the detection and reporting of VGP deficiencies onboard vessels.
- c. To facilitate this mutual interest, the Coast Guard and the EPA have signed a Memorandum of Understanding (MOU) regarding matters related to the VGP (USCG/EPA VGP MOU).

- d. The USCG/EPA VGP MOU established cooperative relationships, roles and responsibilities between the Coast Guard and the EPA in the implementation of the VGP compliance and enforcement. It established that Coast Guard and EPA cooperation in sharing information, expertise, and technical assistance for VGP implementation reduces redundancy in government oversight of vessel activities and increases the effectiveness of each Agency's ability to accomplish its mission to enhance environmental protection.
 - e. Under the USCG/EPA VGP MOU, the Coast Guard's main role will be to assist the EPA with examining compliance with basic provisions of the VGP¹ during routine inspections onboard U.S. vessels and during Port State Control exams on foreign vessels. The Coast Guard will report detected VGP deficiencies to the EPA. The EPA retains full responsibility and enforcement authority under the CWA to address VGP violations and unauthorized discharges, which includes issuance of administrative orders, administrative penalties, and judicial action. Additional assistance and cooperation between the Coast Guard and EPA may be established through support agreements under the MOU.
 - f. This policy has been developed by the Coast Guard, in consultation with the EPA, to assist Coast Guard staff in the preparation for and the execution of VGP compliance monitoring inspections and exams. Vessel owners and/or operators are responsible for compliance with all aspects of the VGP and any other CWA requirements. Vessels may be subject to inspection to verify compliance with any and all legal requirements. The inspection guidelines (VGP Job Aid) provided in enclosure (1) represent the minimum items that the Marine Inspectors (MI) and PSC Officers should examine during VGP compliance exams. The MI/PSC Officers are not limited in the depth and scope of the examination. The Coast Guard and EPA may assess program execution and shipboard performance and adjust the VGP Job Aid as appropriate.
 - g. Implementation of VGP compliance exams and follow-up activities during routine vessel inspections and Port State Control exams will require additional time to complete vessel inspections and exams. However, as the VGP compliance component of an inspection and exam is incorporated and consistent with normal Coast Guard vessel exam procedures and routines, we expect this additional effort to be manageable.
6. Procedure.
- a. Implementation. Effective 30 days after the promulgation of this policy, Sector Commanders / OCMI's staff should use the VGP Job Aid provided in enclosure (1) in the implementation and execution of Coast Guard VGP compliance activities during routine vessel inspections and Port State Control exams. In the period prior to this implementation date, Coast Guard MIs and PSC Officers must continue education and outreach efforts to the marine industry and communicate the upcoming VGP verification

¹ The Coast Guard will not check vessel compliance with the State and Indian Country Lands specific requirements contained in Section 6 of the VGP.

exams under this policy and the VGP Job Aid.

- b. VGP Deficiencies. MI/PSC Officers must take the following action upon discovering any VGP deficiencies as guided by the VGP Job Aid provided in enclosure (1) as well as any other observed VGP deficiencies:
- i. Encourage vessel operators to correct VGP deficiencies by the conclusion of the vessel inspection / PSC exam, if feasible, i.e. "corrected on the spot."
 - ii. Inform the vessel's master/person-in-charge of all detected deficiencies, including those "corrected on the spot", and record the findings using routine deficiency reporting documents, such as the CG-835 or PSC Form B, as appropriate.
 - iii. Inform the vessel's master/person-in-charge that the Coast Guard will report the VGP related deficiencies to the EPA, as well as any actions by the vessel taken or planned to address them, and that EPA's enforcement authority under the CWA to address VGP violations and unauthorized discharges includes administrative orders, administrative penalties, and judicial action.
- c. MISLE - Documenting and Reporting. As soon as practicable, but in all cases not later than close of business the following day of the exam, the MI/PSC Officers should enter the VGP related deficiency in the Coast Guard's MISLE database under the associated inspection activities' "Inspection Results":
- i. VGP deficiencies are found under the System "Operations/Management", Subsystem "EPA Vessel General Permit" and associated Components by VGP reference/cite.
 - ii. When entering VGP deficiencies, the MI/PSC Officer should ensure that the following information is provided within the "Details" block:
 - (1) MI/PSC Boarding Officer's name, phone number and e-mail.
 - (2) MI/PSC Boarding Officer's unit's name and state.
 - (3) A brief description regarding the VGP deficiency, including a description of the MI/PSC Officer's observations and findings, if the vessel corrected the deficiency by the conclusion of the exam, and description of any documentary evidence or pictures obtained or viewed.
 - (4) In cases where VGP deficiencies are also deficiencies under Coast Guard regulations, as discussed in section 6.d below, provide a brief statement that indicates any concurrent Coast Guard enforcement action and what steps, if any, the Coast Guard has taken to address the deficiency. For example, if a ship fails to maintain ballast water records under Coast Guard regulations in 33 CFR part

151, this is also a VGP deficiency under VGP section 2.2.3. If the Coast Guard takes enforcement action, then that action should be described – i.e. the Coast Guard issued a requirement for the vessel to maintain ballast water records in accordance with the operative section of 33 CFR part 151.

iii. Under the “Requirement/Resolution” section, enter the following:

- (1) Due Date: select the date of the VGP verification exam and select “To the satisfaction of the certificate issuing authority” option.
- (2) If the VGP deficiency was resolved or corrected by the conclusion of the vessel exam:
 - (a) Place a check-mark in the “Resolved/Corrected” block.
 - (b) Select the date of the VGP verification exam.
 - (c) Enter the details of the resolution in the “Resolution” block.

iv. No further reporting action is necessary, but MI/PSC Officers must make themselves available to assist the EPA with additional information and supporting documentation upon request by the EPA.

d. Coast Guard Pollution Prevention Regulations. The USCG/EPA VGP MOU does not affect the Coast Guard’s existing authorities under any laws. Therefore, in cases where VGP deficiencies are also deficiencies under Coast Guard regulations, such as ballast water and oil pollution prevention regulations, MI/PSC Officers must report the VGP deficiency to the EPA as discussed above, as well as concurrently process the deficiency under applicable Coast Guard regulations and enforcement policy. As discussed in section 6.b.iii above, EPA’s enforcement authority under the CWA to address VGP violations and unauthorized discharges includes administrative orders, administrative penalties, and judicial action.

7. Disclaimer. While the guidance contained in this document may assist the industry, public, Coast Guard, and other Federal and State regulators in applying statutory and regulatory requirements, the guidance is not a substitute for applicable legal requirements nor is it a regulation itself. It is not intended to nor does it impose legally binding requirements on any party. This guidance does not create any right or benefit, substantive or procedural, enforceable by law or equity, by any person against the Coast Guard, EPA, their officers or employees, or any other person. This guidance may be superseded, modified, or terminated at any time without prior notice.

8. Additional Information and Changes.

- a. This policy, the USCG/EPA VGP MOU, and additional information pertaining to the VGP including links to the EPA’s VGP web page is available on the Coast Guard’s VGP information page on Homeport at <http://homeport.uscg.mil> by selecting the following

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tabs: Missions > Domestic Vessels > Domestic Vessels General > EPA Vessel General Permit (VGP).

- b. Interested parties may suggest improvements to this policy by writing to the Coast Guard's VGP Program Manager listed under Contact Information on the VGP information page on Homeport or via e-mail at CG543@uscg.mil.

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Enclosures: (1) Coast Guard VGP Job Aid

Distribution: All Area/District (p) offices
All Sectors/MSUs/MSDs

EPA Vessel General Permit (VGP) - USCG Job Aid

This enclosure is intended to be used as a Job Aid by Coast Guard Marine Inspectors (MI) and Port State Control (PSC) Officers during inspections of U.S. flag vessels and during PSC examinations to assist in verifying that a vessel is in compliance with the specified EPA VGP. This Job Aid contains a list of minimum items that MI and PSC Officers should examine. The depth and scope of the examination must be determined by the MI and PSC Officers based on the condition of the vessel, operation of its systems, and the competency of the vessel's crew.

The EPA VGP addresses many of the same water pollution prevention items that the Coast Guard currently examines during vessel compliance examinations. This Job Aid addresses the key or "first tier" inspection items currently not covered by Coast Guard vessel inspection regulations or policy. Coast Guard personnel will perform these checks in addition to the current pollution prevention inspections/examinations covered in the applicable CG-840 books.

All deficiencies, even if corrected while onboard, shall be documented within MISLE as discussed in Section 6 of the cover letter to this policy. MISLE documentation will then be sent to the EPA via generated CGBI Cube reports.

Note: Citations to the VGP sections are given as references for the specific requirements and legal authorities.

Record Keeping

VGP Requirement	Cite	Finding	Action	Comment
Are the vessel master and senior crew aware of the VGP?	Vessel General Permit	Yes	No action required.	
		No	Inform the master/crew that they must obtain and read the VGP. Provide the master/crew with a copy of the EPA VGP Fact Sheet.	
If the vessel is greater than or equal to 300 gross tons or has the capacity to hold or discharge 8 cubic meters (2113 gallons) of ballast water, has the vessel submitted a Notice of Intent (NOI)?	VGP Part 1.5.1.1; Part 10 - Appendix E –Notice of Intent (NOI)	Yes	No action required.	
		No	Advise the master/crew they must submit an NOI to EPA. Provide the master/crew with a copy of the EPA VGP Fact Sheet.	The EPA has posted all vessel NOIs submitted by vessel owners and operators. You can use this public EPA web page to search, sort, and view these NOIs: http://cfpub.epa.gov/npdes/vessels/vesselsnoisearch.cfm . EPA strongly encourages vessel owners to prepare and submit the NOI using EPA’s Electronic Notice of Intent (eNOI) system: www.epa.gov/npdes/vessels/eNOI/ .
Record of routine visual inspections	VGP Parts 4.1.1, 4.1.1.1, and 4.2, #4	Yes	No action required.	

<u>VGP Requirement</u>	<u>Cite</u>	<u>Finding</u>	<u>Action</u>	<u>Comment</u>
<p>Record of annual inspections (effective after December 19, 2010).</p> <p>Record of VGP drydock inspection if last drydocking was conducted after Feb. 6, 2009.</p>	<p>VGP Parts 4.1.3 and 4.2, #6</p> <p>VGP Part 4.1.4</p>	No	<p>Advise the master/crew they must complete visual inspections at least once per week or per voyage, whichever is more frequent; unless they engage in multiple voyages per day, in which case a daily inspection is required. They must also have a comprehensive inspection annually and record all results in the vessel's recordkeeping documentation. Additionally, a drydock report is required per section 4.1.4 of the VGP.</p>	<p>The VGP section on recordkeeping is about 1 page and may be appended / inserted within routine vessel logbooks.</p> <p>If records are not on the vessel, advise that they must be on the vessel or accessible by the vessel (unalterable electronic records from a central exchange).</p>
<p>Documentation of Corrective Action Assessments: does the vessel maintain records of completed actions</p>	<p>VGP Parts 3, 4.2 para. 3,</p>	Yes	No action required.	
		No	<p>Advise the master/crew they must conduct a corrective action assessment including a description of identified deficiencies, an explanation of the cause and the corrective action to be taken and a schedule to complete such action.</p>	<p>If records are not on the vessel advise that they must be on the vessel.</p>
<p>Ballast Water Management Plans:</p> <p>For vessels with ballast water</p>	<p>VGP Parts 2.2.3.2, 4.3</p>	Yes	No action required.	
		No	<p>Advise the master/crew that they must have a Ballast Water</p>	<p>The vessel may demonstrate compliance using the Ballast</p>

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<u>VGP Requirement</u>	<u>Cite</u>	<u>Finding</u>	<u>Action</u>	<u>Comment</u>
<p>tanks, plan adequately lays out a ballast water management strategy specifically for the vessel.</p> <p>Plan must be in accordance with 33 C.F.R. 151 and section 4.3 of the VGP.</p>			<p>Management Plan which lays out the ballast water management strategy and which complies with section 4.3 of the VGP.</p> <p>Personnel who actively take part in the management of ballast discharge must understand and follow the plan.</p>	<p>Water Management Plan required in 33 CFR 151.2035.</p> <p>Violation of VGP is also violation of Coast Guard Ballast Water requirements found in 33 CFR 151 Subpart D.</p>
<p>Ballast Water Records:</p> <p>If applicable, has the vessel maintained records of conducting ballast water exchange, near shore ballast water exchange, and saltwater flushing?</p> <p>For those vessels which periodically enter as NOBOBs, and which do not report salt water flushing to the NBIC, they must have records of salt water flushing onboard.</p>	VGP Parts 2.2.3.5, 2.2.3.6, 2.2.3.7, 2.2.3.8, and 2.2.3.9	<p>Yes</p> <p>No</p>	<p>No action required.</p> <p>Advise the master/crew that they must maintain records of conducting ballast water exchanges and saltwater flushing.</p>	<p>Note under 33 CFR Part 151, the vessel must conduct ballast water exchange (if carrying ballast) or saltwater flushing (if NOBOB) if it comes from outside 200 nm from shore, is engaged in Pacific near shore voyages (sail through more than one COTP zone and travel 50 nm from shore) or enters the Great Lakes from outside the US EEZ.</p>
Bilgewater Discharges:	VGP Part 2.2.2; 4.2, #8	Yes	No action required	

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<u>VGP Requirement</u>	<u>Cite</u>	<u>Finding</u>	<u>Action</u>	<u>Comment</u>
<p>If the vessel measures 150 GT or more (tank vessels) or measures 400 GT or more (other vessels), is it maintaining records of its bilge water discharges?</p> <p>If the vessel measures 150 GT or more (tank vessels) or measures 400 GT or more (other vessels), and regularly sails outside the territorial sea, is it not discharging within 1 nm of shore or within National Parks, Marine Sanctuaries, etc., listed in Part 12 of the VGP?</p>	and #9; 12	No records	Advise the master/crew to begin maintaining records.	Violation of VGP is also violation of Coast Guard Oil Pollution Prevention requirements found in 33 CFR 151 Subpart A.
		No, discharging within 1 nm of shore or within waters listed in VGP Part 12.	Advise the master/crew that if technologically feasible or if not necessary to maintain the safety and stability of the ship, to hold bilgewater onboard or discharge to a shore side facility.	

Deck/Topside Walk

<u>VGP Requirement</u>	<u>Cite</u>	<u>Finding</u>	<u>Action</u>	<u>Comment</u>
Is the state of deck and work areas housekeeping adequate? Deck is free of clutter, garbage, fuel/oil spills? Are spill rails and drip pans in place and utilized?	VGP Parts 2.1 and 2.2.1	Yes	No action required.	
		No	Advise the master/crew that they must maintain proper housekeeping onboard the vessel - contain garbage, secure containers in proper storage, prevent oil and fuel spills, and use containers or rails to contain oil.	Evidence of poor housekeeping can trigger need to look for other areas of lack of good practice.

Large and Medium Cruise Vessels

“Large Cruise Ships” are that provide overnight accommodations (has onboard sleeping facilities) to passengers authorized to carry 500 people or more for hire. VGP 5.1. “Medium Cruise Ships” are vessels that provide overnight accommodations (have onboard sleeping facilities) to passengers authorized to carry between 100-499 people for hire. VGP 5.2

<u>VGP Requirement</u>	<u>Cite</u>	<u>Finding</u>	<u>Action</u>	<u>Comment</u>
For untreated graywater:	VGP Parts 5.1.2.1 and	Yes	No action required.	

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<u>VGP Requirement</u>	<u>Cite</u>	<u>Finding</u>	<u>Action</u>	<u>Comment</u>
Does the vessel have records estimating discharges of untreated graywater including date location and volume, speed of vessel?	5.2.2.1	No	Advise the master/crew that they must maintain records of estimating discharges of untreated graywater including date, location, volume, and vessel speed.	
For untreated graywater: For large and medium cruise vessels which sail outside 1 nm, was graywater only discharged outside 1 nm while sailing at least 6 knots or outside 3 nm (regardless of speed) and not in nutrient impaired waters such as	VGP Parts 5.1.1.1.1 and 5.2.1.1.1	Yes	No action required.	

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<u>VGP Requirement</u>	<u>Cite</u>	<u>Finding</u>	<u>Action</u>	<u>Comment</u>
the Chesapeake Bay?		No	Advise the master/crew that graywater must be treated or discharged consistent with Parts 5.1 and 5.2 of the VGP.	
For treated graywater:		Yes	No action needed.	

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<u>VGP Requirement</u>	<u>Cite</u>	<u>Finding</u>	<u>Action</u>	<u>Comment</u>
<p>For large and medium cruise vessels, did the vessel maintain records of date, location and volume of treated graywater discharged?</p> <p>Did the vessel conduct monitoring and assure that graywater discharged is below limits in Part 5.1.1.1.2 or 5.2.1.1.2 of the VGP, as applicable?</p>	<p>VGP Parts</p> <p>Large cruise vessels: 5.1.1.1, 5.1.2.2, and 5.1.2.2.5.</p> <p>Medium cruise vessels: 5.2.1.1.1, 5.1.2.2., and 5.2.2.2.5.</p>	No	<p>Advise the master/crew that they must maintain records of date, location and volume of treated graywater. If they are discharging treated graywater in waters of the US; remind them they must conduct monitoring. Monitoring records must also include who did the analysis, date and results. The vessel must maintain one sample per quarter (four per year) and records of the sampling and testing results must be retained onboard for a period of 3 years in the vessel's recordkeeping documentation</p>	
For treated graywater:		Yes	No action needed.	

<u>VGP Requirement</u>	<u>Cite</u>	<u>Finding</u>	<u>Action</u>	<u>Comment</u>
<p>If swimming pools or spas are on board large or medium cruise vessels and the pool or spa water is discharged into the territorial sea:</p> <p>Is there a record onboard of the testing of swimming pool water before discharge to assure it meets limits of 50 micrograms per liter for brominated discharge and 10 ug/L for Chlorine?</p> <p>Is there a record of the location of the discharge, the estimated volume of the discharge, and the concentration of chlorine or bromine (as applicable)?</p>	<p>Large cruise vessels: VGP 5.1.2.3</p> <p>Medium cruise vessels: 5.2.2.3</p>	<p>No</p>	<p>Advise the master/crew that there must be a record of testing of swimming pool water before discharge to assure it meets limits of 50 micrograms per liter for brominated discharge and 10 ug/L for Chlorine.</p>	<p>Swimming pool discharges are unlikely; however the inspector should check records to ensure that any such discharges, if they exist, comply with the VGP.</p>