

CIRCULAR REF: 2013/039

**CIRCULATED TO ALL MEMBERS, BROKERS AND DIRECTORS
ATTENTION INSURANCE DEPARTMENT**

**9 DECEMBER 2013
CGT/PO**

US ENVIRONMENTAL PROTECTION AGENCY (EPA) 2013 VESSEL GENERAL PERMIT (VGP) REQUIREMENTS

Background

Members will recall that from 19 December 2008, all commercial vessels 79 feet (24.08 metres) in length or greater operating in a capacity as a means of transportation, that have discharges incidental to their normal operations and operating within three nautical miles of US coastlines and inland waters, were subject to the requirements of the VGP.

2013 VGP

The second issuance of the VGP will become effective on 19 December 2013 for a period of five years and will supersede the first iteration of the VGP.

General information on the VGP requirements, including the final 2013 VGP, can be accessed at the following link
<http://water.epa.gov/polwaste/npdes/vessels/Vessel-General-Permit.cfm>

The 2013 VGP requirements will impact all vessels 79 feet (24.08 metres) in length or greater operating in a capacity as a means of transportation, that have discharges incidental to their normal operations and operating within three nautical miles of the US coastline and inland waters.

The types of vessels covered under the 2013 VGP include commercial fishing vessels, cruise ships, ferries, barges, mobile offshore drilling units, oil tankers or petroleum tankers, bulk carriers, cargo ships, container ships, other cargo freighters, refrigerant ships, research vessels, emergency response vessels, including firefighting and police vessels, and any other vessels operating in a capacity as a means of transportation. Recreational vessels and vessels of the Armed Forces are not subject to the VGP requirements.

A list of discharge types subject to coverage and a list of limitations on coverage under the VGP are contained in Annex I to this Circular.

CIRCULAR

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Procedure

Owner/Operator required to submit a Notice of Intent (NOI)

To obtain VGP coverage (which will give authorisation to discharge under the VGP), the owner or operator of a vessel that is either 300 or more gross registered tons or has the capacity to hold or discharge more than 8 cubic metres (2,113 gallons) of ballast water is required to submit a NOI no later than 12 December 2013 or seven days prior to the discharge to continue uninterrupted coverage.

NOI submission deadlines and discharge authorisation dates may be found in Annex II of this Circular.

The owner or operator must submit a NOI using EPA's Electronic NOI (eNOI) system (www.epa.gov/npdes/vessels/eNOI). Where an owner or operator meets one of the exemptions in Part 1.14 of the VGP, a paper NOI may be submitted in lieu of the eNOI. However, submitting a paper NOI may extend the waiting period for authorisation to discharge.

Owners and operators are advised to check if their NOI has been processed via the following link www.epa.gov/npdes/vessels/eNOI prior to commencing discharging in order to ensure that they are not in violation of the VGP.

The owner or operator must keep a copy of their NOI on board the vessel at all times.

Owner/Operator not required to submit a NOI

The owner or operator of a vessel less than 300 gross registered tons and which do not have the capacity to carry more than 8 cubic metres of ballast water do not need to submit a NOI. However the owner or operator must complete the VGP Permit Authorisation and Record of Inspection (PARI) form.

The owner or operator must keep a copy of the PARI form on board the vessel at all times.

Reporting

For each vessel, owners or operators are required to submit an Annual Report electronically for each year that they have active permit coverage.

Annual Reports must be completed for each calendar year but submitted by 28 February of the following year. The 2014 Annual Report will therefore be due by 28 February 2015.

Owners or operators are not required to submit a separate 2013 Annual Report. However, any relevant information from 19 December 2013 to 31 December 2013, if applicable, must be included in the 2014 Annual Report.

The Annual Report can be completed online via www.epa.gov/npdes/vessels or through the eNOI system www.epa.gov/npdes/vessels/eNOI.

All clubs in the International Group of P&I Clubs have issued similar circulars.

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As Managers on behalf of the North of England P&I Association Limited