

**State Water Resources Control Board**

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**ORDER FOR CLEAN WATER ACT SECTION 401  
WATER QUALITY CERTIFICATION FOR  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
VESSEL GENERAL PERMIT**

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**PROJECT:** Vessel General Permit (VGP)

**APPLICANT:** Mr. David Smith  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
Mail Code: WTR-5  
San Francisco, CA 94105

This Order responds to your request, received on December 8, 2011, on behalf of the U.S. Environmental Protection Agency (USEPA) for a water quality certification (Certification) for the VGP. The 2013 VGP is a Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit that authorizes, on a nationwide basis, discharges incidental to the normal operation of commercial vessels that are non-military and non-recreational, greater than or equal to 79 feet in length. The 2013 VGP replaces the 2008 VGP, which expires in December 2013.

**ACTION:**

	Order for Standard Certification		Order for Denial of Certification
X	Order for Technically Conditioned Certification		Order for Waiver of Waste Discharge Requirements

**AUTHORIZATION:**

This Certification applicable to waters of the state conditionally certifies the VGP; based on the proposed VGP issued by USEPA on December 8, 2011, in Federal Register Volume 76, Number 236 that regulates the discharge of 27 vessel discharge (Table 1) streams by establishing effluent limitations including Best Management Practices (BMPs).

**Table 1: Vessel Waste Discharges Eligible for Coverage under the VGP**

No.	Discharge	No.	Discharge
1	Deck Runoff and Above Water Line Hull Cleaning	15	Graywater
2	Bilgewater/Oily Water Separator Effluent	16	Motor Gasoline and Compensating Discharge
3	Ballast Water	17	Non-oily Machinery Wastewater
4	Anti-Fouling Leachate From Anti-Fouling Hull Coatings/Hull Coating Leachate	18	Refrigeration and Air Condensate Discharge
5	Aqueous Film Forming Foam (AFFF)	19	Seawater Cooling Overboard Discharge
6	Boiler/Economizer Blowdown	20	Seawater Piping Biofouling Prevention
7	Cathodic Protection	21	Boat Engine Wet Exhaust
8	Chain Locker Effluent	22	Sonar Dome Discharge
9	Controllable Pitch Propeller and Thruster Hydraulic Fluid and other Oil Sea Interfaces	23	Underwater Ship Husbandry
10	Distillation and Reverse Osmosis Brine	24	Weldeck Discharges
11	Elevator Pit Effluent	25	Graywater Mixed With Sewage
12	Firemain Systems	26	Exhaust Gas Scrubber Washwater Discharge
13	Freshwater Layup	27	Fish Hold Effluent
14	Gas Turbine Wash Water		

Refer to Section 5 of the 2013 VGP for Vessel-Class-Specific Requirements that apply to large cruise ships, medium cruise ships, large ferries, barges, oil tankers, research vessels, and emergency/rescue vessels.

For each discharge type, the VGP establishes effluent limitations pertaining to the constituents found in the effluent. The VGP also establishes BMPs designed to decrease the volume of constituents entering the waste stream. Even though a vessel may not produce all of these discharges, a vessel owner/operator is responsible for meeting the applicable effluent limitations and conditions for every listed waste type that the vessel discharges. The VGP includes effluent limitations to control a variety of pollutants (Table 2), which have been classified into seven types:

**Table 2: Types of Pollutants Regulated by the VGP**

Pollutant Groups	Examples
Aquatic Nuisance Species (a.k.a., aquatic invasive species, or nonindigenous aquatic species)	Non-native Jellyfish, Zebra Mussels, Asian Clams, etc.
Most Conventional Pollutants	Biochemical Oxygen Demand, Oil and Grease, pH, Total Suspended Solids, etc.
Metals	Iron, Nickel, Zinc, Copper, Bronze, Silver, etc.
Nutrients	Phosphorous and Nitrogen
Pathogens	E. Coli and Fecal Coliform
Other Toxic Pollutants	Anti-foulants, rust inhibitors, epoxy coating materials, etc.
Non-conventional Pollutants with Toxic Effects	Phthalates, Phenol, Tetrachloroethylene, Chlorine Residual, Chlorides, etc.

The VGP effluent limitations are intended to control these pollutants, which are potentially constituents of industrial waste, chemical waste, and garbage discharged from vessels.

The VGP establishes technology-based requirements for certain discharges from specific classes of vessels. Further, it provides water quality-based effluent limitations that incorporate requirements for impaired water bodies. Under the VGP, certain discharge types are limited or prohibited in waters that are federally protected wholly or in part for conservation purposes (e.g., national marine sanctuaries and national parks). The VGP also establishes specific corrective actions as well as inspections, monitoring, record keeping, and reporting requirements. The VGP covers vessel discharges into waters of the United States and its territories.

The VGP requires submission of a Notice of Intent (NOI) for vessels that are 300 gross tons or greater or have a ballast water capacity of at least eight cubic meters. All other vessels subject to the VGP are not required to submit an NOI, and instead need to complete a Permit Authorization and Record of Inspection (PARI) form.

To comply with the public notice requirements of California Code of Regulations, title 23, sections 3858 and 3861 governing the California's Water Quality Certification Program, a public notice of USEPA's application for certification for the VGP was posted on the State Water Resources Control Board's (State Water Board) Web site on March 28, 2012. The comment period on the application closed on May 14, 2012.

This Order includes Attachments 1-3. Following is a description of these attachments:

- Attachment 1 – Signatory Requirements
- Attachment 2 – List of Chemical Names and Common Names for Hazardous Wastes and Hazardous Materials from title 22, chapter 11, appendix X of the California Code of Regulations
- Attachment 3 – Effluent Limitations Based on Narrative Objectives in the California Ocean Plan and Regional Water Quality Control Plans (Basin Plans)

#### **STANDARD CONDITIONS:**

1. This Certification is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and California Code of Regulations, title 23, section 3867 et seq. (Auth: Wat. Code, §§ 1058, 13160, 13160.1, 13321; Cal. Code Regs., tit. 23, § 3860. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
2. This Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to California Code of Regulations, title 23, subsection 3855(b), and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought. (Auth: Wat. Code, §§ 1058, 13160, 13160.1, 13321; Cal. Code Regs., tit. 23, § 3860. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)

3. This Certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, § 2200 and owed by the applicant. (Auth: Wat. Code, §§ 1058, 13160, 13160.1, 13321; Cal. Code Regs., tit. 23, § 2200. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)

**ADDITIONAL CONDITIONS:**

1. USEPA shall provide the State Water Board access to its database to obtain information on vessels that have submitted NOIs or PARI forms. (Auth: Wat. Code, §§ 13267, 13383. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
2. All discharges are prohibited in state Water Quality Protection Areas as defined in the Public Resources Code sections 36700 – 36900 inclusive, and the California Ocean Plan, except for those discharges that occur in transit associated with vessel traffic separation lanes. (Auth: 33 U.S.C. § 1313; Pub. Resources Code, § 36710; Wat. Code, § 13140. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
3. Large passenger vessel and cruise ship graywater discharges are prohibited in state waters. Graywater discharges from oceangoing vessels that weigh 300 gross tons or more are also prohibited if such vessels have sufficient holding capacity. Any co-mingling of black water (sewage) and graywater waste streams will be considered graywater for purposes of these conditions as stated in section 2.2.25 of the 2013 VGP. (Auth: Pub. Resources Code, § 72400 et seq. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
4. Vessel discharges shall comply with all requirements and discharge prohibitions set forth in the California Clean Coast Act of 2005. (Auth: Pub. Resources Code, § 72400 et seq. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
5. A monitoring study shall be conducted in order to provide the State Water Board an adequate representative characterization of the discharges from vessels. The representative monitoring study requirement is designed to efficiently gather and present representative water quality data on the impacts of these discharges. The data will be used to determine if any future changes to the conditions are necessary for compliance with the California Ocean Plan numeric objectives, Basin Plans numeric objectives, and the California Toxics Rule criteria. Additionally, a collaborative, representative monitoring program is designed to minimize the costs for individual dischargers and the aggregate costs for individual vessel owners and operators as a whole.

Vessels that do not discharge any waste streams into waters of the state during the 2013 VGP cycle are not subject to this requirement. However, a copy of the USEPA NOI (or when applicable, PARI form), USEPA Acknowledgement Letter, and applicable fee shall be submitted.

Any vessels that do not make their first port of call in California until the last calendar year of the 2013 VGP cycle shall be exempt from participating in this monitoring study.

The representative regional/group monitoring program (Representative Monitoring Study) shall be developed in consultation with State Water Board staff. The monitoring study shall include representative sampling for each vessel class. A draft study design will be developed by no later than December 1, 2013, and is subject to the approval by the Executive Director of the State Water Board.

The Final Report for the Representative Monitoring Study must be submitted to the Executive Director of the State Water Board by the end of the 2013 VGP cycle. (Auth: Wat. Code, §§ 13260.1, 13267, 13383. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)

6. None of the 27 discharges covered by the VGP may contain hazardous waste as defined in the California Code of Regulations, title 22, section 66261 and Water Code section 13173, as well as hazardous substances listed in Attachment 2 of this Order, which includes bilgewater. Additionally, the following wastes are prohibited from being discharged: noxious liquid substance residues, used or spent oil, garbage or trash/plastic (In compliance with the applicable California Basin Plans), sewage sludge, photo-developing wastes, dry cleaning wastes, and medical wastes. By signing USEPA's NOI (or when applicable, the PARI form), the vessel owner/operator certifies that hazardous and prohibited wastes as defined under California law, will not be discharged from a covered vessel or vessels. Upon receipt of USEPA's NOI (or when applicable, PARI form) Acknowledgement Letter, the vessel owner/operator shall submit a copy of the letter along with the fee required per Cal. Code Regs., tit. 23, § 2200.

The vessel owner/operator shall submit the fee and a copy of USEPA's NOI (or when applicable, PARI form) Acknowledgment Letter to:

NPDES Unit  
Division of Water Quality  
State Water Resources Control Board  
1001 I Street, 15<sup>th</sup> Floor  
Sacramento, CA 95814

(Auth: See generally, statewide and regional water quality control plans; 33 U.S.C. § 1313; Pub. Resources Code, § 72420.2; Wat. Code, §§ 13140, 13173, 13240, 13260.1, 13267, 13383; Cal. Code Regs., tit. 22, § 66261. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)

7. There shall be no oily sheen from any discharge, and oil and grease shall not exceed 15 milligrams per liter (mg/L) from any discharge as stated in section 2.1.4 of the VGP. (Auth: See generally, statewide and regional water quality control plans; 33 U.S.C. § 1313; Wat. Code, §§ 13140, 13240. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
8. Detergents shall not be used to disperse hydrocarbon sheens in any waste streams. To ensure this practice is implemented for all state waters, and additionally to protect drinking water sources, such as sources in the Sacramento and San Joaquin Delta, methylene blue active substances (MBAS) are not to exceed 0.5 mg/L in any waste streams being

discharged, applicable to all water bodies. (Auth: See generally, statewide and regional water quality control plans; 33 U.S.C. § 1313; Wat. Code, §§ 13140, 13240. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)

9. Vessel discharges shall comply with California State Lands Commission (SLC) requirements for ballast water discharges and hull fouling to control and prevent the introduction of nonindigenous species, found in Public Resources Code, section 71200 et seq. and California Code of Regulations, title 2, division 3, chapter 1, articles 4.5 through 4.8, inclusive. (Auth: Pub. Resources Code, § 71200 et seq. and Cal. Code Regs, tit. 2, div. 3, ch. 1, arts. 4.5 through 4.8. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
10. The SLC has jurisdiction over vessels that are 300 gross registered tons and above that carry or are capable of carrying ballast water. Vessels entering state waters that fall within this description shall complete the SLC forms found in the following Marine Invasive Species Program (MISP) Compliance and Reporting Documents page:

[http://www.slc.ca.gov/Spec\\_Pub/MFD/Ballast\\_Water/Compliance\\_Rptng\\_Docs.html](http://www.slc.ca.gov/Spec_Pub/MFD/Ballast_Water/Compliance_Rptng_Docs.html)

Forms are subject to change. Please use the most updated forms.

(Auth: Pub. Resources Code, § 71200 et seq. and Cal. Code Regs, tit. 2, div. 3, ch. 1, arts. 4.5 through 4.8. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)

11. Propeller cleaning is allowed until the biofouling management regulations for vessels are adopted by the SLC and become effective. After the SLC biofouling management regulations become effective, propeller cleaning is allowed as specified in those regulations. All other in-water hull cleaning is prohibited unless conducted using the best available technologies economically feasible, as determined by State Water Board staff in consultation with SLC staff. This prohibition includes underwater ship husbandry discharges (VGP Discharge No. 23). (Auth: Pub. Resources Code, § 71200 et seq. and Cal. Code Regs, tit. 2, div. 3, ch. 1, arts. 4.5 through 4.8. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
12. If the ballast water receives chlorination treatment, the discharge to the ocean shall not exceed a maximum level of 60 micrograms per liter ( $\mu\text{g/L}$ ) of total residual chlorine, and the discharge to inland waters, enclosed bays, and freshwaters shall not exceed a maximum level of 19  $\mu\text{g/L}$  of total residual chlorine. (The Gold Book, U.S. EPA 440/5-86-001, May 1986.) (Auth: See generally, statewide and regional water quality control plans; 33 U.S.C. § 1313; Wat. Code, §§ 13140, 13240, 13377; Cal. Code Regs., tit. 23, § 2235.2. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
13. Vessel discharges must comply with the applicable statewide water quality control plans and Basin Plans. Attachment 3 lists the effluent limitations based on the narrative water quality objectives cited in these plans that shall be met in the receiving water. (Auth: See generally, statewide and regional water quality control plans; 33 U.S.C. § 1313; Wat.

Code, §§ 13140, 13240. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)

14. Allowance for emergency conditions: In the case of a sudden unexpected situation which involves a clear and imminent danger to life, health, or property, the requirements of this Certification are suspended to the extent that those requirements would otherwise be violated. Any suspension of the requirements of this Certification is only permitted as long as the emergency conditions persist. In such cases the vessel owner/operator shall report to State Water Board staff the emergency conditions requiring the violation of Certification conditions, the specific conditions that were violated, the duration of the violation, and nature of discharges during that emergency period and the location of the emergency discharge. This report shall be transmitted to the State Water Board staff within 24 hours after the emergency conditions cease. In the event that the State Water Board staff determines that the circumstances do not constitute an emergency, the State Water Board may seek appropriate investigatory or enforcement action pursuant to Administrative Condition No. 6. (Auth: Pub. Resources Code, § 21080; Wat. Code, § 1058; Cal. Code Regs., tit. 14, § 15359. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)

Submit report electronically to: [calvgp\\_cert@waterboards.ca.gov](mailto:calvgp_cert@waterboards.ca.gov)

15. The owner or operator of a large passenger vessel shall notify the California Emergency Management Agency (Cal EMA) immediately, but not longer than 30 minutes, after the discovery of a release of graywater or sewage into the marine waters of the state or a marine sanctuary. The owner or operator of an oceangoing ship with sufficient holding tank capacity shall notify Cal EMA immediately, but not longer than 30 minutes, after the discovery of a release of graywater or sewage into the marine waters of the state or a marine sanctuary. The owner or operator of a large passenger vessel or an oceangoing ship shall notify Cal EMA immediately, but not longer than 30 minutes, after the discovery of a release of hazardous waste, other waste, sewage sludge, or oily bilgewater into the marine waters of the state or a marine sanctuary.

Cal-EMA Office of Emergency Services hotline: (800) 852-7550

(Auth: Pub. Resources Code, § 72400 et seq. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)

#### **ADMINISTRATIVE CONDITIONS:**

1. This Certification shall expire on the expiration or retraction of the 2013 VGP unless USEPA administratively extends it. (Auth: Wat. Code, § 13377; Cal. Code Regs., tit. 23 §§ 2235.2, 3861. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
2. This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification. (Auth: Wat. Code, § 13002. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)

3. USEPA shall notify the State Water Board within 24 hours of any noncompliance that may impact the beneficial uses of waters of the state. The notification shall include the volume and type of materials discharged and recovered, measures used to stop and contain the discharge, and measures implemented to prevent future discharges. (Auth: Pub. Resources Code, § 21080; Wat. Code, § 1058; Cal. Code Regs., tit. 14, § 15359. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
4. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to USEPA. If the VGP fails to comply with the state water quality control plans and policies, or any other appropriate requirement of the state law, the State Water Board may add to or modify the conditions of this Certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act. (Auth: Wat. Code, §§ 1058, 13160, 13160.1, 13321; Cal. Code Regs., tit. 23, § 3860. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
5. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, processes, or sanctions as provided for under state or federal law. For purposes of the Clean Water Act section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. (Auth: 33 U.S.C. § 1341; Wat. Code, §§ 13300-13365, inclusive, and §§ 13370-13389, inclusive. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
6. In response to a suspected violation of any condition of this Certification, the State Water Board may require a vessel owner/operator to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. (Auth: Wat. Code, §§ 13267, 13383. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTION:**

Based on a review of the VGP information submitted, the State Water Board staff determined that the issuance of this Certification and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of the Environment). Additionally, State Water Board staff concludes that no exceptions apply to the activities approved by this Certification. The State Water Board has filed a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 for this Order.

**STATE WATER BOARD CONTACT PERSONS:**

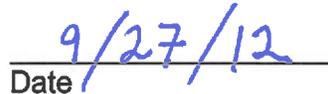
If you have any questions or comments, please contact Ms. Shuka Rastegarpour, Environmental Scientist of our Ocean Standards Unit, at (916) 341-5576 ([srastegarpour@waterboards.ca.gov](mailto:srastegarpour@waterboards.ca.gov)), or Dr. Maria de la Paz Carpio-Obeso, Chief of our Ocean Standards Unit, at (916) 341-5858 ([mcarpio-obeso@waterboards.ca.gov](mailto:mcarpio-obeso@waterboards.ca.gov)).

**WATER QUALITY CERTIFICATION:**

I hereby issue an order certifying that discharges as described in the VGP comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) if all of the conditions listed in this Certification are met. These discharges are also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, which authorizes this Certification to serve as Waste Discharge Requirements pursuant to Water Code section 13000 et seq.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the VGP, and (b) compliance with all applicable requirements of statewide water quality control plans and policies and applicable Regional Water Quality Control Plans.

  
\_\_\_\_\_  
Thomas Howard  
Executive Director

  
\_\_\_\_\_  
Date

**State Water Resources Control Board**

**ORDER FOR CLEAN WATER ACT SECTION 401  
WATER QUALITY CERTIFICATION FOR  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
SMALL VESSEL GENERAL PERMIT**

**PROJECT:** Small Vessel General Permit (sVGP)

**APPLICANT:** Mr. David Smith  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
Mail Code: WTR-5  
San Francisco, CA 94105

This Order responds to your request, received on December 8, 2011, on behalf of the U.S. Environmental Protection Agency (USEPA) for a water quality certification (Certification) for the 2013 sVGP. The 2013 sVGP authorizes discharges incidental to the normal operation of non-military and non-recreational vessels less than 79 feet in length. A Congressional moratorium (initiated by Public Law 110-299 and then extended by Public Law 111-215) exempts owner/operators of commercial fishing vessels and non-recreational, non-military vessels less than 79 feet in length from having to obtain a National Pollutant Discharge Elimination System (NPDES) permit for all incidental discharges, with the exception of ballast water, until December 18, 2013. The 2013 sVGP will serve as the NPDES permit for vessels that fall into this category after that date.

**ACTION:**

	Order for Standard Certification		Order for Denial of Certification
X	Order for Technically Conditioned Certification		Order for Waiver of Waste Discharge Requirements

**AUTHORIZATION:**

This Certification applicable to waters of the state conditionally certifies the sVGP, based on the proposed sVGP issued by USEPA on December 8, 2011, in Federal Register Volume 76, Number 236 that regulates nine broad categories of small vessel discharges by setting non-numeric effluent limits including Best Management Practices (BMPs).

The effluent limits are organized into management groups instead of having specific effluent limitations to each discharge type. Management groups are: (1) general requirements, (2) fuel management, (3) engine and oil control, (4) solid and liquid waste management, (5) deck washdown and runoff and above water line hull cleaning, (6) vessel hull maintenance, (7) graywater management, (8) fish hold effluent management, (9) ballast water management, (10) seawater cooling overboard discharge, and (11) compliance with other statutes and regulations. Nine specific discharge types are covered in the eleven management groups (Table 1).

**Table 1: Vessel Waste Discharges Eligible for Coverage Under the sVGP**

No.	Discharge	No.	Discharge
1	Anti-Foulant Hull Coating Leachate	6	Non-Contact Engine Cooling Water
2	Bilgewater	7	Packing Gland Effluent
3	Deck Runoff	8	Underwater Hull Husbandry
4	Fish Hold Effluent	9	Ballast Water
5	Graywater		

The sVGP includes, in the management groups, non-numeric effluent limits in the form of BMPs to help minimize the amount of any discharge produced, and to reduce the likelihood of that discharge entering a water body. Even though a vessel may not produce all of these discharges, a vessel owner/operator is responsible for meeting the applicable effluent limitations and conditions for every listed waste type that the vessel discharges. The sVGP includes effluent limitations to control a variety of pollutants, which have been classified into seven types (Table 2).

**Table 2: Types of Pollutants Regulated by the sVGP**

Pollutant Groups	Examples
Aquatic Nuisance Species (a.k.a., aquatic invasive species, or nonindigenous aquatic species)	Non-native Jellyfish, Zebra Mussels, Asian Clams, etc.
Most Conventional Pollutants	Biochemical Oxygen Demand, Oil and Grease, pH, Total Suspended Solids, etc.
Metals	Iron, Nickel, Zinc, Copper, Bronze, Silver, etc.
Nutrients	Phosphorous and Nitrogen
Pathogens	E. Coli and Fecal Coliform
Other Toxic Pollutants	Anti-foulants, rust inhibitors, epoxy coating materials, etc.
Non-conventional Pollutants with Toxic Effects	Phthalates, Phenol, Tetrachloroethylene, Chlorine Residual, Chlorides, etc.

The sVGP's effluent limitations are intended to control these pollutants, which are potentially constituents of industrial waste, chemical waste and garbage discharged from vessels.

The sVGP establishes that all point source discharges must meet technology-based effluent limitations. Water quality-based effluent limitations are required where the technology-based limitations are not sufficient to meet applicable water quality standards. Under the sVGP, certain discharge types are limited or prohibited in waters that are federally protected wholly or in part for conservation purposes (e.g., national marine sanctuaries and national parks). The sVGP also establishes specific corrective actions as well as inspections, monitoring record keeping, and reporting requirements. The sVGP will cover discharges from small vessels, less than 79 feet, excluding military and recreational vessels, into waters of the United States and its territories.

The sVGP will not require the vessel owner/operators to submit a Notice of Intent (NOI) to receive permit coverage. Instead, vessel owner/operators must complete the sVGP Permit Authorization and Record of Inspection (PARI) form, which records that the applicable owner/operators have read, and will implement all of the requirements of the sVGP.

To comply with the public notice requirements of California Code of Regulations, title 23, sections 3858 and 3861 governing the California's Water Quality Certification Program, a public notice of USEPA's Application for certification for the sVGP was posted on the State Water Resources Control Board's (State Water Board) Web site on March 28, 2012. The comment period on the application closed on May 14, 2012.

This Certification includes Attachments 1-3. Following is a description of these attachments:

- Attachment 1 – Signatory Requirements
- Attachment 2 – List of Chemical Names and Common Names for Hazardous Wastes and Hazardous Materials, Title 22, Chapter 11, Appendix X, California Code of Regulations
- Attachment 3 – Effluent Limitations Based on Narrative Objectives in the California Ocean Plan and Basin Plans

#### **STANDARD CONDITIONS:**

1. This Certification is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and California Code of Regulations, title 23, section 3867 et seq. (Auth: Wat. Code, §§ 1058, 13160, 13160.1, 13321; Cal. Code Regs., tit. 23, § 3860. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
2. This Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to California Code of Regulations, title 23, subsection 3855(b), and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought. (Auth: Wat. Code, §§ 1058, 13160, 13160.1, 13321; Cal. Code Regs., tit. 23, § 3860. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
3. This Certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, § 2200 and owed by the applicant. (Auth: Wat. Code, §§

1058, 13160, 13160.1, 13321; Cal. Code Regs., tit. 23, § 2200. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)

#### **ADDITIONAL CONDITIONS:**

1. All discharges shall be minimized to the extent practicable in State Water Quality Protection Areas as defined in the Public Resources Code, sections 36700 – 36900 inclusive, and the California Ocean Plan. (Auth: Pub. Resources Code, § 36710. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
2. If the ballast water receives chlorination treatment, the discharge to the ocean shall not exceed a maximum level of 60 micrograms per liter ( $\mu\text{g/L}$ ) of total residual chlorine, and if the discharge is to enclosed bays and inland waters, then it shall not exceed a maximum level of 19  $\mu\text{g/L}$  of total residual chlorine. (The Gold Book, U.S. EPA 440/5-86-001, May 1986) (Auth: See generally, statewide and regional water quality control plans [Basin Plans]; 33 U.S.C. § 1313; Wat. Code, §§ 13140, 13240, 13377; Cal. Code Regs., tit. 23, § 2235.2. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
3. None of the discharges permitted by the sVGP may contain hazardous waste as defined in the California Code of Regulations, title 22, section 66261 and Water Code section 13173, as well as hazardous substances listed in Attachment 2 of this document which includes bilgewater. Additionally, the following wastes are prohibited from being discharged into waters of the State: sewage sludge, used or spent oil, and garbage or trash (including plastic). By signing USEPA's PARI form, the vessel owner/operator certifies that hazardous wastes as defined under California law, and prohibited wastes, will not be discharged from covered vessel or vessels. (Auth: See generally, statewide and regional water quality control plans; 33 U.S.C. § 1313; Pub. Resources Code, § 72420.2; Wat. Code, §§ 13140, 13173, 13240, 13267, 13383; Cal. Code Regs., tit. 22, § 66261. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
4. Vessel discharges shall comply with all requirements set forth in all applicable statewide water quality control plans and policies, and regional water quality control plans. Attachment 3 lists the effluent limitations based on narrative water quality objectives that shall be met in the receiving water. (Auth: See generally, statewide and regional water quality control plans; 33 U.S.C. § 1313; Wat. Code, §§ 13140, 13240. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
5. Owner/operators of vessels subject to the sVGP shall comply with California Fish and Game Code section 2301, regarding dreissenid mussels (e.g. quagga and zebra mussels). Owner/operators shall submit to inspections by the California Department of Fish and Game at launch ramps or at any other location around the state to prevent the transportation of the dreissenid mussels. If owner/operators of vessels discover dreissenid mussels within California water bodies, that discovery shall be immediately reported to the California Department of Fish and Game. (Auth: Fish & G. Code, § 2300

et seq. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)

6. There shall be no oily sheen from any discharge, and oil and grease shall not exceed 15 milligrams per liter (mg/L) from any discharge. (Auth: See generally, statewide and regional water quality control plans; 33 U.S.C. § 1313; Wat. Code, §§ 13140, 13240. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
7. Detergents shall not be used to disperse hydrocarbon sheens in any waste streams. To ensure this practice is implemented for all state waters, and additionally to protect drinking water sources in the Sacramento and San Joaquin Delta, methylene blue active substances (MBAS) are not to exceed 0.5 mg/L in any waste streams being discharged, applicable to all waterbodies (Auth: See generally, statewide and regional water quality control plans; 33 U.S.C. § 1313; Wat. Code, §§ 13140, 13240. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
8. Allowance for emergency conditions: In the case of a sudden unexpected situation which involves a clear and imminent danger to life, health or property, the requirements of this Certification are suspended to the extent that those requirements would otherwise be violated. Any suspension of the requirements of this Certification is only permitted as long as the emergency conditions persist. In such cases the vessel owner/operator shall report to State Water Board staff the emergency conditions requiring the violation of Certification conditions, the specific conditions that were violated, the duration of the violation, and nature of discharges during that emergency period and the location of the emergency discharge. This report shall be transmitted to the State Water Board staff within 24 hours after the emergency conditions cease (see Attachment 1). In the event that the State Water Board staff determines that the circumstances do not constitute an emergency, the State Water Board may seek appropriate investigatory or enforcement action pursuant to Administrative Condition No. 6. (Auth: Pub. Resources Code, § 21080; Wat. Code, § 1058; Cal. Code Regs., tit. 14, § 15359. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)

Submit report electronically to: [calvgp\\_cert@waterboards.ca.gov](mailto:calvgp_cert@waterboards.ca.gov)

#### **ADMINISTRATIVE CONDITIONS:**

1. This Certification shall expire on the expiration or retraction of the 2013 sVGP unless USEPA administratively extends it. (Auth: Wat. Code, § 13377; Cal. Code Regs., tit. 23 §§ 2235.2, 3861. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
2. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to USEPA. If the sVGP fails to comply with the state water quality control plans and policies, or any other appropriate requirement of the state law, the State Water Board may add to or modify the conditions of this Certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act. (Auth: Wat. Code, §§ 1058, 13160, 13160.1, 13321;

Cal. Code Regs., tit. 23, § 3860. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)

3. The Vessel owner/operators are subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification. (Auth: Wat. Code, § 13002. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
4. USEPA shall notify the State Water Board staff within 24 hours of any noncompliance that may impact the beneficial uses of waters of the state. The notification shall include the volume and type of materials discharged and recovered, measures used to stop and contain the discharge, and measures implemented to prevent future discharges. (Auth: Pub. Resources Code, § 21080; Wat. Code, § 1058; Cal. Code Regs., tit. 14, § 15359. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
5. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, processes, or sanctions as provided for under state or federal law. For purposes of the Clean Water Act section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. (Auth: 33 U.S.C. § 1341; Wat. Code, §§ 13300-13365, inclusive, and §§ 13370-13389, inclusive. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)
6. In response to a suspected violation of any condition of this Certification, the State Water Board may require a vessel owner/operator to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. (Auth: Wat. Code, §§ 13267, 13383. This condition cannot be made less stringent without violating the requirements of state law, including water quality standards.)

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTION:**

Based on a review of the sVGP information submitted, the State Water Board staff determined that the issuance of this Certification and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and section 15308 (Actions Taken by Regulatory Agencies for Protection of the Environment). Additionally, State Water Board staff concludes that no exceptions apply to the activities approved by this Certification. The State Water Board has filed a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 for this Order.

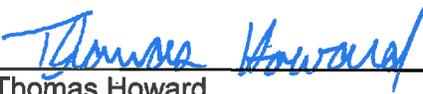
**STATE WATER BOARD CONTACT PERSONS:**

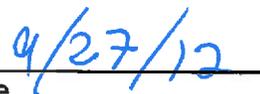
If you have any questions or comments, please contact Ms. Shuka Rastegarpour, Environmental Scientist of our Ocean Standards Unit, at (916) 341-5576 ([srastegarpour@waterboards.ca.gov](mailto:srastegarpour@waterboards.ca.gov)) or Dr. Maria de la Paz Carpio-Obeso, Chief of our Ocean Standards Unit, at (916) 341-5858 ([mcarpio-obeso@waterboards.ca.gov](mailto:mcarpio-obeso@waterboards.ca.gov)).

**WATER QUALITY CERTIFICATION:**

I hereby issue an order certifying that discharges as described in the sVGP comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) if all of the conditions listed in this Certification are met. These discharges are also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, which authorizes this Certification to serve as Waste Discharge Requirements pursuant to Water Code section 13000 et seq.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the sVGP, and (b) compliance with all applicable requirements of statewide water quality control plans and policies and applicable Regional Water Quality Control Plans.

  
\_\_\_\_\_  
Thomas Howard  
Executive Director

  
\_\_\_\_\_  
Date

Attachment 1

**Signatory Requirements**

*All Documents Submitted In Compliance With This Order  
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the State Water Resources Control Board (State Water Board) must be signed and certified as follows:
  - (a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
  - (b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - (c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
  
2. Alternatively, for a vessel operating in waters of the State, all applications, reports, or information submitted to the State Water Board may be signed and certified by a duly authorized representative of a person designated in Items 1.a through 1.c, such as the master, operator, agent, or other person in charge if:
  - (a) The authorization is made in writing by a person described in Items 1.a through 1.c above.
  - (b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - (c) The written authorization is submitted to the State Water Board's Executive Director:

Attention: NPDES Unit  
Division of Water Quality  
State Water Resources Control Board  
1001 I Street, 15<sup>th</sup> Floor  
Sacramento, CA 95814

3. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

## Attachment 2

### List of Chemical Names and Common Names for Hazardous Wastes and Hazardous Materials

This attachment sets forth a list of chemicals which create a presumption that a waste is a hazardous waste. If a waste consists of or contains a chemical listed in this subdivision, the waste is presumed to be a hazardous waste unless it is determined that the waste is not a hazardous waste pursuant to the procedures set forth in California Code of Regulations, title 22, section 66262.11. The hazardous characteristics which serve as a basis for listing the chemicals are indicated in the list as follows: (X) toxic, (C) corrosive, (I) ignitable and (R) reactive. A chemical denoted with an asterisk is presumed to be an extremely hazardous waste unless it does not exhibit any of the criteria set forth in California Code of Regulations, title 22, section 66261.110 and section 66261.113. Trademark chemical names are indicated by all capital letters. The list can be found at:

[http://www.dtsc.ca.gov/LawsRegsPolicies/Title22/upload/Appendix-X\\_Ch11\\_ready-to-post.pdf](http://www.dtsc.ca.gov/LawsRegsPolicies/Title22/upload/Appendix-X_Ch11_ready-to-post.pdf)

The following is a list of common names of wastes which are presumed to be hazardous wastes unless it is determined that the waste is not a hazardous waste pursuant to the procedures set forth in section 66262.11. The hazardous characteristics which serve as a basis for listing the common names of wastes are indicated in the list as follows:

(X) toxic, (C) corrosive, (I) ignitable and (R) reactive.

Acetylene sludge (C)  
Acid and water (C)  
Acid sludge (C)  
AFU Floc (X)  
Alkaline caustic liquids (C)  
Alkaline cleaner (C)  
Alkaline corrosive battery fluid (C)  
Alkaline corrosive liquids (C)  
Asbestos waste (X)  
Ashes (X,C)  
Bag house wastes (X)  
Battery acid (C)  
Beryllium waste (X)  
Bilge water (X)  
Boiler cleaning waste (X,C)  
Bunker Oil (X,I)  
Catalyst (X,I,C)  
Caustic sludge (C)  
Caustic wastewater (C)  
Cleaning solvents (I)  
Corrosion inhibitor (X,C)  
Data processing fluid (I)  
Drilling fluids (X,C)  
Drilling mud (X)  
Dyes (X)  
Etching acid liquid or solvent (C,I)  
Fly ash (X,C)  
Fuel waste (X,I)  
Insecticides (X)  
Laboratory waste (X,C,R,I)  
Lime and sulfur sludge (C)  
Lime and water (C)  
Lime sludge (C)  
Lime wastewater (C)  
Liquid cement (I)  
Mine tailings (X,R)  
Obsolete explosives (R)  
Oil and water (X)  
Oil Ash (X,C)

Paint (or varnish) remover or stripper (I)  
Paint thinner (X,I)  
Paint waste (or slops) (X,I)  
Pickling liquor (C)  
Pigments (X)  
Plating waste (X,C)  
Printing Ink (X)  
Retrograde explosives (R)  
Sludge acid (C)  
Soda ash (C)  
Solvents (I)  
Spent acid (C)  
Spent caustic (C)  
Spent (or waste) cyanide solutions (X,C)  
Spent mixed acid (C)  
Spent plating solution (X,C)  
Spent sulfuric acid (C)  
Stripping solution (X,I)  
Sulfonation oil (I)  
Tank bottom sediment (X)  
Tanning sludges (X)  
Toxic chemical toilet wastes (X)  
Unrinsed pesticide containers (X)  
Unwanted or waste pesticides --an unusable portion of active ingredient or undiluted formulation (X)  
Waste epoxides (X,I)  
Waste (or slop) oil (X)  
Weed Killer (X)

The following is a list of electronic wastes that are presumed to be hazardous wastes and that are "covered electronic device[s]" pursuant to chapter 8.5 of part 3 of division 30 of the Public Resources Code section 42460 et seq., if they have a viewable screen size [as defined in California Code of Regulations, title 22, sec. 66260.201, subsec. (b)(3)(C)] greater than four inches, unless it is determined that the electronic waste is not a hazardous waste pursuant to the procedures set forth in California Code of Regulations, title 22, section 66262.11. The hazardous characteristic that serves as a basis for listing the common names of electronic wastes is toxicity.

- (1) Cathode ray tube (CRT)-containing devices (CRT devices);
- (2) CRTs;
- (3) CRT-containing computer monitors;
- (4) Liquid crystal display (LCD)-containing laptop computers;
- (5) LCD-containing desktop monitors;
- (6) CRT-containing televisions;
- (7) LCD-containing televisions (excluding LCD projection televisions);
- (8) Plasma televisions (excluding plasma projection televisions);
- (9) Portable DVD players with LCDs.

### Attachment 3

#### **Effluent Limitations Based on Narrative Objectives in the California Ocean Plan and Regional Water Quality Control Board Basin Plans**

1. The discharge shall be free of floating materials that would be visible in the receiving water.
2. The discharge must not cause oil and grease to be visible in the receiving water (no visible sheen).
3. The discharge must not cause aesthetically undesirable discoloration of the surface of the receiving water.
4. Natural light shall not be significantly reduced in the receiving water as the result of the discharge.
5. The discharge must not contain inert solids and other settleable materials or organic substances that will degrade benthic communities.
6. The discharge must not contain toxic substances in toxic concentrations, and substances that could accumulate to toxic levels in the receiving water or sediments.
7. The discharge must not contain substances that bioaccumulate, in fish, shellfish, or other marine/aquatic life used for human consumption, to levels that are harmful to human health.
8. The discharge must not contain substances that alter the taste, odor, or color of fish, shellfish, or other marine/aquatic life used for human consumption.
9. The discharge must not contain radioactive wastes or byproducts.
10. The discharge must not contain nutrient concentrations that would cause objectionable aquatic growths or degrade indigenous biota in the receiving water.
11. The discharge must not cause dissolved oxygen concentrations in the receiving water to be depressed more than 10 percent from that which occurs naturally, as the result of the discharge of oxygen demanding wastes.
12. The discharge must not cause pH in the ocean receiving water to be changed more than 0.2 units from that which occurs naturally.
13. The discharge must not cause pH in freshwater receiving water (Sacramento and San Joaquin Rivers) to be changed more than 0.5 units from that which occurs naturally.
14. The discharge must not cause dissolved sulfide concentrations in the receiving water to be increased above that present under natural conditions.