



Lake Carriers' Association

The Greatest Ships on the Great Lakes

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Meeting With OMB and EPA RE: Draft NPDES VGP2

- LCA reiterates our concern that the EPA Vessel General Permit, as the enforcement mechanism for the Clean Water Act, is a poor tool for regulating vessels which, by their nature, move from jurisdiction to jurisdiction and waterbody to waterbody, resulting in vessels being subject to numerous, sometimes conflicting, permit requirements. Specifically, conflicts between the CWA and the underlying statutory authority for many Coast Guard regulations, cause differing regulatory regimes which are often confusing to the mariner and costly to vessel owners. Whenever possible, we strongly urge the EPA to align the requirements of the VGP with existing Coast Guard regulations to minimize this confusion. Furthermore, we strongly urge the Administration to pursue a statutory resolution to provide better clarity and predictability to the maritime industry while preserving the maritime environment.
- As detailed in our Letter to the EPA VGP Docket (dated February 21, 2012), LCA applauds the determination by the EPA that there are no ballast water management systems (BWMS) capable of effective operation on our vessels, and has thus adopted the Coast Guard's regulatory position which requires the continued use of effective best management practices to reduce the risk of introduction and translocation of non-indigenous species. This determination recognizes the independent results of the Science Advisory Board which concluded there are no BWMSs presently capable of installation and effective operation on Lakers.
- We further applaud the EPA's adoption of Coast Guard requirements for dry cargo residue as described in VGP 2.2.1. The Coast Guard's exhaustive studies and Environmental Impact Statement in support of their regulations have determined that DCR poses no risk to the environment of the Great Lakes, given the restrictions already in effect.
- LCA recommends the EPA adopt the Coast Guard's definition of non-seagoing vessels as they pertain to ballast water discharges in the Great Lakes, as opposed to using the Welland Canal as an arbitrary line of demarcation. It is our understanding that the ballast water discharge standard in the VGP is based on a Best Available Technology standard. While it is true that some of the Lakers cannot transit the Welland due to size restrictions, the physical characteristics and constraints of many Lakers which operate upstream of the Welland are similar to their counterparts which operate in Lake Ontario, the St. Lawrence Seaway and the Gulf of St. Lawrence. Since the EPA and Coast Guard have both determined that there are no BWMSs capable of operating effectively on these vessels, it is contradictory to require BWMSs to be installed on vessels which operate downstream of the Welland to the Gulf of St. Lawrence.
- LCA recommends the EPA remove its ban on discharge of ballast tank sediment by Lakers. There is no evidence to suggest that ballast tank sediment – all of which has originated from within the Great Lakes – is harmful to the environment or to human beings. While we understand EPA's justifiable concern regarding sediment from salties which has originated from outside the Lakes, the risk associated with Lakers' sediments is very low. We request EPA allow sediment discharge with the same geographic restrictions which presently apply to dry cargo residue.

- The Additional Water Quality-Based Effluent Limits (VGP 2.3) and Discharges to Water Quality Impaired Waters are highly problematic for mobile facilities such as ships. Many of our vessels operate in numerous jurisdictions, water bodies and harbors. Often our vessels receive last minute orders to carry cargoes into harbors which they do not regularly frequent. To expect vessel owners and operators to be familiar with the precise – and ever-changing – specifics of Total Maximum Daily Loads (TMDLs) for a multitude of different substances for each impaired water body is not realistic. While compliance with these water-body-unique requirements may be feasible for fixed land-based facilities, with 60 commercial and 75 shallow draft U.S. ports and harbors on the Lakes, it is simply not practical for our vessels.
- In addition to the above issues, in our letter to the docket dated February 21, 2012, LCA requested EPA clarification and resolution on several other issues including:
 - Duration of the permit – LCA supports a five year permit duration
 - Extended Unmanned Period – Due to the unique winter layup arrangements for our vessels, clarification and amendment to the EUP requirements are necessary
 - Deck Runoff – Particularly as it pertains to ice and snow buildup on the decks of our ships, greater latitude is necessary when enforcing a “broom-clean” standard
 - Ballast Water Management Plans made public – due to potentially proprietary and business-confidential information, BWMPs should not be made available to the public or competitors
 - *Biodegradable* and *Environmentally Acceptable* lubricants – EPA should provide an exhaustive list of these lubricants to encourage their use.