



**U.S. EPA Ballast Water Update
for
2024 Pacific Ballast Water Group Meeting**

April 24, 2024

Overview

- Update on Vessel Incidental Discharge Act (VIDA) Rulemaking
- Vessel General Permit (VGP) Enforcement
- VGP Data
 - Ballast water
- Additional Activities
 - Intergovernmental Response Framework
 - VIDA State Petitions/Applications
 - Great Lakes Ballast Water Research
- Questions

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 139

[EPA-HQ-OW-2019-0482; FRL-10015-54-OW]

RIN 2040-AF92

Vessel Incidental Discharge National Standards of Performance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 139

[EPA-HQ-OW-2019-0482; FRL-7218-03-OW]

RIN 2040-AF92

Vessel Incidental Discharge National Standards of Performance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Supplemental notice of proposed rulemaking.

EPA VIDA Rulemaking

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 139

**[EPA-HQ-OW-2019-0482; FRL-10015-54-
OW]**

RIN 2040-AF92

**Vessel Incidental Discharge National
Standards of Performance**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed rule.

VIDA Enacted December 6, 2018

NPRM published October 26, 2020

SNPRM published October 18, 2023

Final EPA Rule
Signature by September 23, 2024

Reminder of 2023 Supplemental Notice

- Analyzed new USCG type approval ballast water data
- Discussed additional regulatory options EPA is considering.
 - Require ballast water management plan be developed and followed to minimize the uptake and discharge of harmful aquatic organisms and pathogens.
 - Require new “Lakers” to install, operate, and maintain a ballast water management system (“equipment standard”).
 - Significant update to hull cleaning requirements. Prohibits discharges from in-water cleaning of macrofouling without capture (and clarifies discharges from capture devices not considered incidental discharges) and establishes requirements for in-water cleaning of microfouling.
 - Limit the applicability of the graywater numeric standard to new vessels > 400 gross tonnage and certificated to carry 15 or more persons and provide overnight accommodations to those persons.

EPA VGP Enforcement (civil penalties)

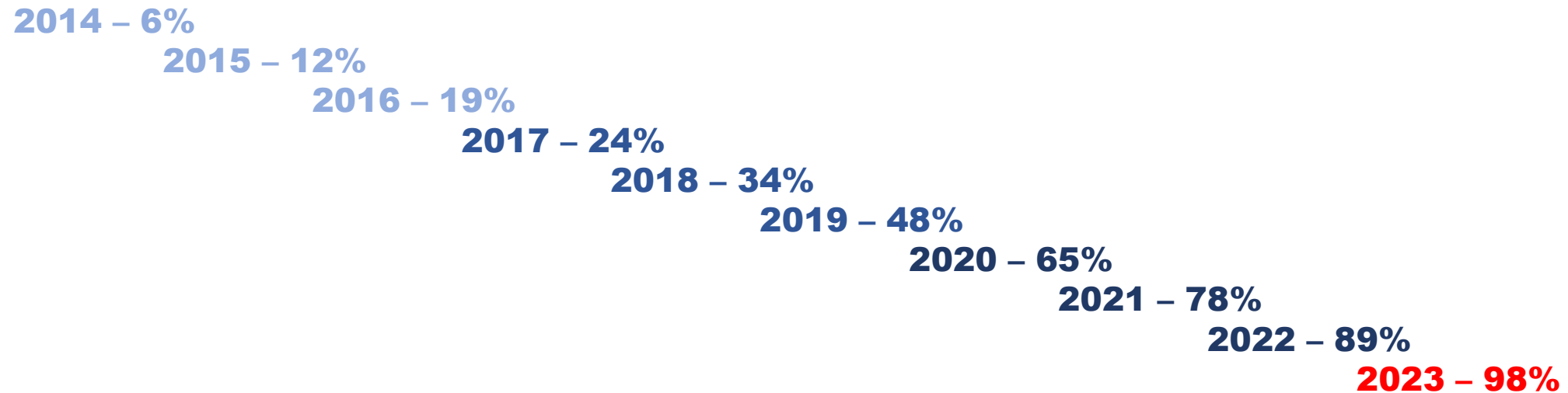
- 2021 – 2 actions, 2 companies (~\$80k) – failed to: submit annual reports, perform routine inspections, monitor ballast water, and calibrate equipment.
- 2023 – 9 actions, 4 companies (~\$500k) – discharged untreated ballast water, exceeded numeric discharge standard (*E. coli*, Enterococci, and Total Residual Oxidizer), and failed to: monitor ballast water, perform annual inspections, properly document annual inspections and annual reports, report ballast water discharges in U.S., calibrate equipment, and report noncompliance.
- 2024 – 2 actions, 1 company (~\$250k) – discharged untreated ballast, failed to perform annual inspections.

Ballast Water in U.S. Pacific Region – 2023

Vessel Type	Vessels In Pacific Region	Vessels Discharge Ballast	Vessels Discharge & w/ BWMS	% Disch & w/ BWMS
Bulk Carrier	1,123	946	941	99%
Tanker	687	505	492	97%
Container Ship	621	72	71	99%
Roll-On Roll-Off	336	34	26	76%
Cargo Ship	227	113	111	98%
Cruise Ship	109	27	26	96%
Other	778	142	29	20%
TOTAL	3,881	1,981	1,725	89%

Source: 2023 VGP Annual Reports (as of April 8, 2024)

Ballast Water Mgmt. in the U.S. Pacific Region (Cargo Vessels) Discharge Ballast Water and Have BWMS Onboard (by year)



Source: VGP eNOI reporting system
(as of April 8, 2024)

Vessels Disch. BW in Pacific Region (2023)

Top 10 Flag States	# Vessels	Top 10 Owner/Operators	# Vessels
Panama	250	Greece	215
Marshall Islands	217	Japan	201
Hong Kong	144	Singapore	175
Liberia	132	Hong Kong	117
Singapore	82	United States	104
Bahamas	73	China	64
United States	58	Germany	55
Malta	50	South Korea	45
Cyprus	28	Denmark	28
Denmark	22	Norway	27

Countries in top 10 for both Flags and Owner/Operators are **bolded**.

Source: VGP eNOI reporting system (as of April 8, 2024)

VGP Monitoring Events: Biological Numeric Discharge Limits

Parameter	# Mon. Events 2014-2022	Results over Limit	# Mon. Events 2023	Results over Limit
E. Coli	15,219	169 (1.1%)	7,825	35 (0.4%)
Enterococci	15,147	335(2.2%)	7,721	60 (0.8%)

Source: 2022 VGP Annual Reports (as of April 8, 2024)

VGP Self-Reported Non-Compliance (Vessels Reported Operating in the Pacific Region)

- Approximately 2,000 vessels a year report ballast water discharges in the Pacific Region (1,981 vessels in 2023).
- Noncompliance in 2023 included:
 - Failure to perform all monitoring (most often cited)
 - Failure to calibrate sensors
 - BWMS failure (discharging untreated ballast and failure of system to record functionality data)
 - Discharge limit violation reported very rarely

Year	# Reported Ballast Water BW Noncompliance Events	# Vessels
2023	248	162
2022	302	193
2021	175	121
2020	146	86
2019	45	37
2018	184	40
2017	123	27
2016	80	20
2015	22	12
2014	23	19

Source: 2023 VGP Annual Reports (as of April 8, 2024)

Additional Activities

- Intergovernmental Response Framework
- State Petitions/Applications
- Great Lakes Ballast Water Research

Online Resources: EPA Webpages

Vessels, Marinas and Ports

Vessel Discharges



- [Sewage and no-discharge zones](#)
- [Commercial vessels](#)
- [Recreational vessels](#)
- [Vessels of the Armed Forces](#)

Marine Engines



- [Overview of emissions regulations](#)
- [Certification and compliance](#)
- [Certification data](#)

Marinas



- [Nonpoint source pollution resources](#)
- [Spill prevention and control](#)

Ports



- [Ports Initiative](#)
- [Clean diesel](#)
- [Grant-funded port projects](#)
- [Dredged material](#)

News and Updates

On October 5, 2020, EPA Administrator Andrew Wheeler signed the [proposed rule](#) for national standards to reduce the environmental impact of discharges, such as ballast water, that are incidental to the normal operation of commercial vessels. When finalized, this new rule will streamline the current patchwork of federal, state, and local requirements that apply to the commercial vessel community and better protect our nation's waters. [Learn more about the EPA proposed standards.](#)

<https://www.epa.gov/vessels-marinas-and-ports>

Questions?