



U.S. EPA Vessel Incidental Discharge Act (VIDA) Update

Great Lakes Panel on Aquatic Nuisance Species – Spring 2004 Meeting

Jack Faulk, Office of Water, U.S. EPA

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2018 Vessel Incidental Discharge Act (VIDA)

EPA

Promulgate technology-based **national standards of performance** that are at least as stringent as the VGP, with limited exceptions

USCG

Develop regulations to **ensure, monitor, and enforce compliance** with EPA's standards and USCG requirements

Interim Requirements

Requirements from 2013 VGP, USCG ballast water regulations, and state/local government apply to:

- **Large commercial vessels (≥ 79 feet in length)**
- **Small vessels (<79 feet in length) and fishing vessels of any size - Ballast water only**

States

Once EPA and USCG regulations are final, effective, and enforceable, states are **preempted** from **adopting or enforcing more stringent requirements** except through one of several petition options established in the VIDA

EPA's 2020 Proposed Rule

General Standards

Applicable to all discharges

- General operation and maintenance
- Biofouling management
- Oil Management

Applications & Petitions

Procedural requirements for states seeking to petition EPA

- Issue an emergency order or review any standard of performance, regulation, or policy.
- Request enhanced Great Lakes System requirements.
- Apply for a no-discharge zone.

Specific Standards

- **Ballast tanks***
- Bilges
- Boilers
- Cathodic protection
- Chain lockers
- Decks
- Desalination and purification systems
- Elevator pits
- Exhaust gas emission control systems
- Fire protection equipment
- Gas turbines
- **Graywater systems***
- **Hulls and associated niche areas***
- Inert gas systems
- Motor gasoline and compensating systems
- Non-oily machinery
- Pools and spas
- Refrigeration and air conditioning
- Seawater piping
- Sonar domes

**Addressed in 2023 Supplemental Notice*

Rulemaking: Supplemental Notice, Published Oct. 18, 2023

In consideration of input from states, tribes, and other stakeholders, EPA developed the **Supplemental Notice of Proposed Rulemaking (SNPRM)** to provide an opportunity for comment on:

- **New data:** EPA obtained USCG ballast water management system (BWMS) type-approval data to evaluate best available technology economically achievable (BAT).
- **Supplementary Regulatory Options Being Considered:**
 1. Ballast water – Best management practices (BMPs) for ballast water uptake.
 2. Ballast water discharges from vessels that operate exclusively on the Great Lakes – Equipment standard for New Lakers.
 3. Hulls and associated niche areas – clarification of applicability and cleaning requirements.
 4. Graywater – expanded exemption from numeric standard for certain vessels.

<https://www.epa.gov/vessels-marinas-and-ports/commercial-vessel-discharge-standards>

VIDA Rulemaking Schedule



Publication of Proposed Rule
26 October 2020

Comment Review and
Stakeholder Re-engagement



Publication of SNPRM
18 October 2023

Public Comment Period:
(60-days)
Due 18 December 2023

Two public meetings:
November 8th (4 pm - EST)
November 16th (9 am - EST)



Final Rule Signature

**Consent decree – final
rule to be signed by:
23 September 2024**

Five-Year Review

<https://www.epa.gov/vessels-marinas-and-ports/commercial-vessel-discharge-standards>

VGP Annual Reports – Great Lakes (2023)

(with ranges of values between 2014 & 2023)

* Data as submitted as of 8 April 2024

Vessel Type	# Vessels Operating in US Great Lakes	# Discharge Ballast in US waters			
		# US-Owned	# Canadian-Owned	# Other-Owned	Total # Disch. BW
Bulk Carrier	165 (165-212)	32 (32-38)	38 (38-57)	50 (50-104)	120 (120-181)
General Cargo	42 (29-80)	0	0 (0-1)	30 (22-64)	30 (22-64)
Tanker	31 (31-60)	0 (0-2)	3 (0-8)	17 (17-35)	20 (20-42)
Barge	170 (106-475)	16 (9-24)	2 (2-4)	0	18 (13-26)
Tug/Tow	79 (55-80)	12 (5-14)	2 (1-3)	0	14 (7-16)
Passenger	39 (27-39)	1 (0-3)	0	0 (0-1)	1 (0-3)
Other	4 (2-7)	0 (1-2)	0	0 (0-2)	0 (0-3)
Total	530 (501-852)	61 (57-76)	45 (41-71)	97 (97-190)	203 (203-304)

Opportunities to Establish More Stringent Standards under VIDA

- Allows Governors to petition EPA to modify standards based on new information
- Allows states to apply for no-discharge zones for any of the applicable VIDA discharges for some or all of a state's waters
- Allows Governors to petition EPA and the USCG to establish Emergency Orders for Invasive Species and Water Quality Concerns
- Establishes an enhanced Great Lakes regulatory process for Great Lakes States' Governors to develop more stringent requirements for discharges in the Lakes

Intergovernmental Response Framework

(Clean Water Act sec. 312(p)(6)(E) as established under VIDA)

USCG (in consultation with EPA and in coordination with ANSTF):

- Establish a framework for intergovernmental response to aquatic ANS risks from vessel discharges, including the introduction, spread, and establishment of ANS populations.

EPA (in coordination with USCG):

- Establish a risk assessment and response framework to:
 - (I) identify/tracking populations of aquatic invasive species;
 - (II) evaluate ANS risks in U.S. of populations tracked in (I); and
 - (III) establish emergency BMPs that can be deployed rapidly as necessary.
- EPA and USCG have initiated work with expectation of significant involvement of the ANSTF.
- Expect request for participation, potentially in a new ANSTF workgroup.

Vessels, Marinas and Ports

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Commercial Vessel Discharge Standards

On December 4, 2018, the President signed into law the "[Vessel Incidental Discharge Act](#)" (VIDA) [\(PDF\)](#)  (Title IX of the Frank LoBiondo Coast Guard Authorization Act of 2018). The VIDA restructures how EPA and the U.S. Coast Guard (USCG) regulate incidental discharges, primarily from commercial vessels, into waters of the United States and the contiguous zone. Specifically, the VIDA requires EPA to develop new national standards of performance for commercial vessel discharges and the USCG to develop corresponding implementing regulations. [View more information on the VIDA.](#)

- [Supplemental Notice of Proposed Rulemaking](#)
- [EPA Proposed National Standards of Performance](#)
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<https://www.epa.gov/vessels-marinas-and-ports/commercial-vessel-discharge-standards>