Appendix G. Response to Comments from the Shipping Federation of Canada submitted on 11/28/2008

EPA thanks the commenter for submitting their comment on the NPDES ICR. Though the Agency appreciates the Shipping Federation of Canada's interest in EPA's ICR, EPA notes that the majority of the comment is outside the scope of this ICR action. The commenter states that for the submission, they have "reiterated below some of the recommendations contained in our submission of August 1, 2008 [on the draft VGP] with regard to inspection, monitoring, reporting and recordkeeping requirements." In summary, the core of this submittal reiterates the comment submitted to EPA on August 1, 2008 for the Draft National Pollutant Discharge Elimination System (NPDES) General Permits for Discharges Incidental to the Normal Operation of a Vessel (Federal Register, June 17, 2008, pages 34296-34304). See EPA-HQ-OW-2008-0055-0327.1.

- The introductory and concluding remarks are essentially identical to those found respectively on pages 1-2 and 16-17 of the previous submittal.

- The section numbered one, titled "Harmonize inspection, monitoring, reporting and recordkeeping requirements with current operational practices and regulations for foreign flagged vessels" is essentially identical to the section found on pages 2 and 12 of the previous submittal.

- The section numbered two, titled "comments on specific permit requirements" contains sizable excerpts found on pages 12 through 14 of the previous submittal.

- The section numbered three, titled "Implications for the Canadian Trade Routes" is essentially identical to that found on page 3 of the previous submittal.

In summary, these comments are outside of the scope of this ICR action as they are specific to the VGP. The similar comments submitted to the VGP docket are being considered and addressed in the final issuance of the VGP.

In response to the first paragraphs on page 2 of the comment, for permittees covered under this ICR, EPA has based the burden estimates on the Economic and Benefits Analysis of the Proposed Vessel General Permit (VGP) and took into account the varying burdens associated with both domestic and foreign vessels where information was available. EPA notes that the commenter provides no suggestions or other comment on the specific burden estimate used by EPA in formulation of this ICR.

Appendix G. Response to Comments from A.P. Moller - Maersk submitted on 11/26/2008

EPA thanks the commenter for submitting their comment on the NPDES ICR. Though the Agency appreciates the A.P. Moller-Maersk's interest in EPA's ICR, EPA notes that the majority of the comment is outside the scope of this ICR action and reiterates the comment submitted to EPA on August 1, 2008 for the Draft National Pollutant Discharge Elimination System (NPDES) General Permits for Discharges Incidental to the Normal Operation of a Vessel (Federal Register, June 17, 2008, pages 34296-34304). See EPA-HQ-OW-2008-0055-0395.1.

Below are EPA's responses organized in a similar way as the comment letter submitted.

Introduction

EPA agrees with the commenter's statement that many of the inspection, reporting and recordkeeping requirements in the proposed Vessel General Permit (VGP) are already being accomplished under other regulatory schemes. In estimating the information collection burden EPA has accounted for the activities already perform by vessels to meet other regulatory requirements or as part of industry best practices, and the burden presented in the ICR is only the incremental burden of additional activities resulting from the permit.

EPA disagrees with the commenter's statement EPA only evaluated military vessels. For permittees covered under this ICR, EPA has based the burden estimates on the Economic and Benefits Analysis of the Proposed VGP and took into account the varying burdens associated with both domestic and foreign vessels where information was available. As explained in the Economic and Benefits Analysis the majority of the costs estimates were derived from industry communication and survey responses. Additional cost inputs are also derived from manufacturers, field experts, and the NBIC database.

1. Understanding Shipping Routes and Time in U.S. Waters is Essential

This comment is outside the scope of this ICR notice. It reiterated the comment on page 5, bullet 12 of the previous submittal. The similar comments submitted to the VGP docket are being considered and addressed in the final issuance of the VGP.

2. Existing Vessel Regulations

In estimating the information collection burden EPA has accounted for the activities already performed by vessels to meet other regulatory requirements or as part of industry best practices, and the burden presented in the ICR is only the incremental burden of additional activities resulting from the permit. Vessels are not necessarily required to maintain a separate set of books for the recordkeeping requirements in the general permit if they are already keeping track of required recordkeeping in other formats. So long as the current books and logs meet the requirements, these records can be maintained as part of the current vessel's s recordkeeping documentation.

3. Methodology and Estimate of Burden
The commenter misunderstood the information presented. The ICR estimated the labor burden and non-labor capital and operations and maintenance cost to submit information or retain records and does not estimate the total cost to implement all the requirements in permit. For example, the time required to clean the vessel decks prior to leaving U.S. port is not an ICR activity. Additionally, the averages presented are the result of very wide estimated in time that can be as low as a few hours per year for small vessels and as high as 30 hours for certain large vessels (50 hours if additional steps are required to meet all standard permit conditions). These estimates include the time required to conduct quarterly monitoring when applicable.

As explained in the Economic and Benefits Analysis of the Proposed VGP the majority of the costs estimates were derived from industry communication and survey responses. Additional cost inputs are also derived from manufacturers, field experts, and the NBIC database. EPA took into account the varying burdens associated with both domestic and foreign vessels where information was available.

The commenter states that the administrative burden associated with submitting an NOI for every redeployment is not accounted for. EPA does not expect, nor require, owner/operators to submit an NOI for every deployment. To maintain permit coverage, an owner/operator would need to re-submit an NOI every five years and not one for every redeployment. Additional NOIs will only need to be submitted for the same permit term for the same vessel if the owner/operator changes during the permit term.

4. Quality, Utility and Clarity of Information to be Collected
This comment is outside the scope of this ICR notice. It reiterated the comment on pages 3 and 4, bullets 6 through 8 of the previous submittal. The similar comments submitted to the VGP docket are being considered and addressed in the final issuance of the VGP.

5. Additional Technical Comments and Comments on Specific Discharge Categories
These comments are outside of the scope of this ICR action as they are specific to the VGP. The similar comments submitted to the VGP docket are being considered and addressed in the final issuance of the VGP.

November 28, 2008

Attention: Docket ID No. EPA-HQ-OW-2008-0719
Water Docket Environmental Protection Agency
Mailcode: 4203M
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Agency Information Collection Activities; Proposed Collection; Comment Request; NPDES and Sewage Sludge Monitoring Reports; EPA ICR No. 0229.17; OMB Control No. 2040-0004
(Federal Register, Vol. 73 No. 189, September 29, 2008, pages 56568-56570)

To Whom It May Concern:

The Shipping Federation of Canada, representing over 90 percent of ocean-going vessels (international cruise and cargo) trading to and from ports in Atlantic Canada, the St. Lawrence and the Great Lakes, would like to offer the following comments regarding the Information Collection Request (ICR) published in the September 29, 2008 Federal Register with respect to the Environmental Protection Agency's draft Vessel General Permit program for discharges incidental to normal vessel operations.

We appreciate the opportunity to comment on this program, given that a significant proportion of our members either transit from overseas to the Great Lakes through the Seaway, or have U.S. based operations. As such, the provisions of the draft Vessel General Permit and its implementation are of utmost importance to the continuation of their operations. Indeed, when the original Notice of Intent regarding the potential development of a proposed permitting system under the Clean Water Act was published in June 2007, we submitted a series of observations and comments on behalf of our membership, which we supplemented this summer with comments on the draft Vessel General Permit. We have now turned our attention to the proposed process for collecting information under the permitting system, which is the focus of this submission.

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As an initial comment, we believe that the task of estimating the burden of collecting information is extremely difficult. Given the variety of best management practices that are applicable to the wide range of vessel types and trade patterns involved, it would be extremely problematic to evaluate the accuracy of the Agency's estimates of the burden associated with collecting information under the Vessel General Permit. For this reason, we have reiterated below some of the recommendations contained in our submission of August 1, 2008 with regard to inspection, monitoring, reporting and recordkeeping requirements.

1. Harmonize inspection, monitoring, reporting and recordkeeping requirements with current operational practices and regulations for foreign-flagged vessels

Commercial vessels are already regulated under a number of international conventions and treaties to which the U.S. is a party, and under a number of U.S. statutes and regulations, all of which require them to comply with a variety of highly technical and class-specific technical standards in relation to their design, construction and maintenance. In addition, safety and environmental management systems for oceangoing vessels, such as the International Safety Management (ISM) Code, already include extensive and comprehensive inspection, monitoring, reporting and recordkeeping procedures. We recommend that the EPA recognize these systems as being compliant with the provisions of the proposed Vessel General Permit.

The fact that these procedures are duplicated in the permit program makes operations in U.S. waters extremely burdensome for the ship's crew, and we strongly recommend that this be addressed through the adoption of the ISM Code provisions in order to streamline and harmonize the process with existing international requirements. Should the Vessel General Permit contain additional requirements that are not part of the vessel's ISM Code, the latter should integrate specific plans and procedures to ensure compliance with such requirements.

2. Comments on Specific Permit Requirements

In our comments submitted earlier this year, we highlighted a number of concerns with the inspection, monitoring, reporting and recordkeeping requirements as presented in the proposed Vessel General Permit. We believe it is worth reiterating that all of the provisions contained in these requirements are already part of the International Safety Management Code and of current reporting requirements. While we are ready to make these records available to the EPA, we are not in favor of the imposition of additional reporting requirements, nor of the designation of duplicate authorities to whom reports must be submitted.

In addition, the permit does not provide any information as to how the provisions would apply to ships transiting irregularly in U.S. waters. This is a question of utmost importance for our membership, as not all our members' ships are part of the liner trade, or may be redeployed for a number of reasons which include maintenance, repairs and routes changes due to factors such as changing economic conditions. We believe that clarification of these requirements is essential for

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the successful implementation of the proposed Vessel General Permit, especially from a ship operations perspective.

Part 4.1 Self Inspections and Monitoring:

- Section 10 of the ISM Code spells out the requirements for regular inspections, which includes the reporting of non-conformities, implementation of corrective actions and recordkeeping. Section 11 addresses documentation requirements. Therefore, the requirements contained in Part 4 duplicate the information to be logged by the ship's crew, again underscoring the administrative burden that implementation of the proposed permit will pose.
- The quarterly sampling requirements should be dropped altogether, as there is no indication of how these would apply for foreign-flagged vessels trading irregularly in U.S. waters. Moreover, the crew on board ships do not have the necessary scientific background to perform such sampling, nor do they have the necessary resources or information to find laboratories that could perform such sampling.
- Annual inspections and dry dock inspection requirements should be harmonized with the ISM Code's Certification and Periodical Verification requirements (Part B, Section 13), and the EPA inspection procedure and requirements should be revised accordingly.

Overall, we are opposed to the inspection requirements set out in Part 4.1., which we view as adding an undue burden for the ship's crew, particularly since regular inspections are already mandated by the ISM Code and a number of inspections are already performed by the U.S. Coast Guard and classification societies. The results of all such inspections should be made available to the EPA, which should work with the U.S. Coast Guard, the various classification societies and other relevant organizations to develop viable inspection requirements under the proposed Vessel General Permit.

Part 4.2 Recordkeeping:

- All recordkeeping provisions should be harmonized with current U.S. Coast Guard regulations and ship operators should not incur additional recordkeeping requirements.

Part 4.4 Reporting:

- With respect to Part 4.4.1, we reiterate our previous point that reports of non-compliance should be made in accordance with the provisions contained in section 10 of the ISM Code.

As well, we would recommend that the procedures which already exist under the International Safety Management Code be used to report on non-conformities, accidents and hazardous occurrences. Indeed, we are surprised that the section of the proposed permit program dealing with corrective actions does not include any reference to the ISM Code's specific directives and procedures with respect to cases of non-conformity, accidents and hazardous occurrences.[1]

[1] Section 9.1 of the ISM Code: The safety management system should include procedures ensuring that non-conformities, accidents and hazardous situations are reported to the Company, investigated and analysed with the objective of improving safety and pollution prevention; and Section 9.2: The Company should establish procedures for the implementation of corrective action

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Incorporation of the ISM Code's existing procedures for assessing, documenting and reporting on incidents of non-compliance into the permit program would be the ideal and most logical means of achieving this objective.

3. Implications for the Canadian Trade Route

We would like to end our comments by providing some information on the potential impacts of the draft Vessel General Permit on the Canadian trade route. A significant percentage of ocean-going vessels represented by the members of the Shipping Federation of Canada will transit U.S. waters to reach their Canadian ports of destination (i.e. ships headed to ports in the Canadian Great Lakes through the St. Lawrence Seaway). Such ships would be subject to the new permit requirement, since the Seaway navigation channel crosses the international boundary approximately 23 times (refer to Seaway Handbook).

However, subject to the structure and content of the final version of the permit, this requirement could potentially impede free navigation and transit, as granted under the *1909 Boundary Waters Treaty* (Article 1) and the 1947 *General Agreement on Tariffs and Trade* (Article V).[2] Both these instruments contain provisions that are designed to protect the freedom of traffic and navigation between Canada and the U.S., while allowing for the development of laws and regulations by the coastal state that are reasonable and compatible with the foregoing objectives. It is therefore very important that the permit does not impose undue regulatory or administrative burdens on ships transiting between the two countries.

The implementation of a permit that impedes free navigation would have a negative impact on the St. Lawrence Seaway trade route as a whole, by disrupting normal trade patterns and discouraging ships calling at Canadian ports from loading backhaul cargoes in the U.S. (or vice-versa). If ship operators find it too burdensome to call U.S. ports due to concerns over meeting the permit's requirements, then the cost of transportation will increase to the detriment of Canadian trade for the whole St. Lawrence / Great Lakes Basin area.

****

Before closing, we would like to reiterate our commitment to collaborating with the Environmental Protection Agency in developing a permit that meets the Agency's objectives without unduly complicating operations for ocean-going vessels calling at U.S. ports. We also remain available to provide the EPA with any information it may require regarding oceangoing vessels transiting into U.S. waters.

[2] These comments focus on trade transiting to Canadian ports; however, trade going to US ports would be covered by the *General Agreement on Trade in Services*. It might also be covered by Article VIII of the GATT (*Fees and Formalities connected with Importations and Exportations*), since imports and exports will have to be carried by a ship holding the EPA permit.

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We thank you for the opportunity to provide our views on the development of the draft Vessel General Permit, and would be pleased to provide any additional clarification or information that may be required.

Respectfully submitted,

Caroline Gravel
Director, Environmental Affairs
Shipping Federation of Canada

The Shipping Federation of Canada (The Federation), incorporated by an Act of Parliament in 1903, acts as the pre-eminent voice of shipowners, operators and agents involved in Canada's world trade. Its overall objective is to work towards a safe, competitive and environmentally sustainable marine transportation system. As an industry leader on marine environmental issues, the Federation serves as a frontline information resource on environmental regulations, policies and practices applicable to ships trading in Canadian waters; promotes the importance of international conventions and standards as the optimal means of responding to environmental challenges; and provides operational know-how and expertise in the development of best practices and management systems.

The Federation's membership consists of the Canadian companies that own, operate or act as agents for 95 percent of ocean vessels trading to and from ports in Atlantic Canada, Newfoundland & Labrador, the St. Lawrence River and the Great Lakes – vessels which are responsible for transporting virtually all of the trade moving between eastern Canada and ports overseas. The Federation's members also represent virtually all the international cruise vessels calling at eastern Canadian ports.

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MAERSK INC.

MAERSK

Delivered via E-Mail: ow-docket@epa.gov

November 26, 2008

Water Docket Environmental Protection Agency
Mail Code 4203M
1200 Pennsylvania Avenue, N.W.
Washington, DC

RE: Docket ID NO. EPA-HQ-OW-2008-0719
Agency Information Collection Activities; Proposed Collection; Comment Request; NPDES and Sewage Sludge Monitoring Reports; EPA ICR No. 0229.17; OMB Control No. 2040–0004.

Dear Sir or Madam:

A.P. Moller - Maersk respectfully requests your consideration of the following comments related to the Information Collection Request (ICR) published in the September 29, 2008 Federal Register (73 FR 56568) with respect to EPA's proposed Permit for Discharges Incidental to Normal Operation of a Vessel published on June 17, 2008 (73 FR 34296). EPA specifically requested comments to enable the Agency to evaluate a number of issues. These issues and the main points we wish to convey in this submittal are summarized in the following table:

EPA Request	Comments
Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility	Shipping is a highly regulated, global industry that requires consistent, global solutions to environmental concerns. Many of the inspection, reporting and recordkeeping requirements in the draft Vessel General Permit (VGP) are already being accomplished under international conventions. There is little practical utility in requiring vessels to duplicate information required under existing international conventions and treaties to which the U.S. is a party
Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used	To develop the draft vessel permit, EPA evaluated military vessels, but did not appear to evaluate commercial vessels, including container ships. Therefore, the methodology and assumptions used to estimate the burden on commercial ships are flawed because staffing levels on military vessels are generally much larger than commercial vessels. At minimum, EPA has not evaluated and incorporated the regulations, reporting, and recordkeeping requirements that international vessels are currently required to meet.
Enhance the quality, utility, and clarity of the information to be collected; and	The draft permit contains numerous ambiguities related to data collection, including when data collection must begin (entire voyage vs. in U.S. territorial waters). In addition, other discharges from container vessels were not included in the draft permit
Minimize the burden of the collection of	The primary way to minimize the burden on the shipping community

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information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.	while continuing to protect the environment and meet the intent of the VGP, is for EPA to coordinate its requirements with the extensive regulations to which these vessels are already subject (i.e., International Safety Management code, MARPOL Annexes, and U.S. regulations at 33 CFR and 46 CFR). Much of the burden is created through duplication of reports and records as well as supplementary training. In addition, there is considerable burden associated with vessel redeployment as discussed further in this letter.

A.P. Moller – Maersk is a market leader in worldwide container shipping and logistics under the brand names Maersk Line, Maersk Line Limited, Maersk Logistics, and Safmarine. The company operates more than 550 container vessels around the world, of which we own more than 220 vessels – making us the largest container shipping company in the world. Our global vessel operations also include tankers, tugs, and oil and gas production, for a total of over 1,000 vessels. All of our owned vessels operate under environmental management systems certified to the international standard ISO 14001.

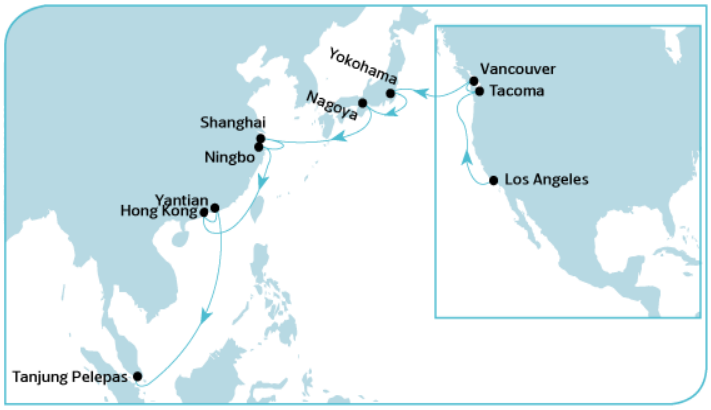
Dealing with our environmental impact is a significant challenge, which we take very seriously. We have demonstrated a long-term commitment to protecting the environment, and often lead industry initiatives to reduce environmental impacts at sea, in port and throughout the global transportation chain. To be sustainable, shipping must respect the environment while still recognizing the importance of container shipping to the economies and well-being of communities around the world.

Maersk has implemented over 100 projects to save energy and improve environmental performance. More information is available on our websites at www.maersk.com and www.maerskgreen.com .

While we completely support EPA's mission to protect Waters of United States, we believe that regulation of international mobile sources (i.e., ships), is better accomplished through international standards. We are specifically concerned with individual States and even Countries choosing to adopt differing (or even conflicting) standards, thus subjecting vessels to different permit requirements at each port visited. This is not only disruptive to maritime commerce, but may pose an economic disadvantage to U.S. commerce.

1. Understanding Shipping Routes and Time in U.S. Waters is Essential

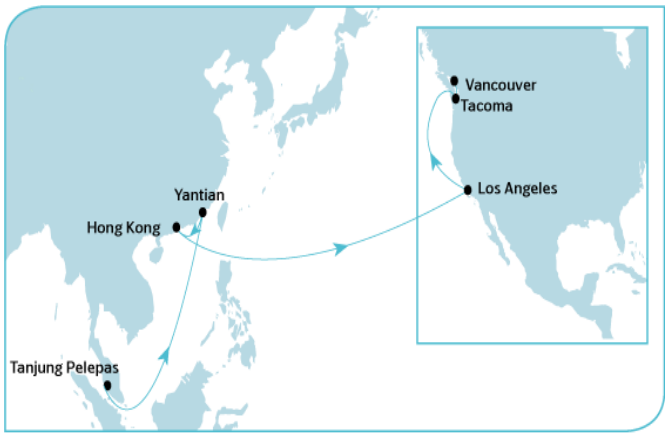
To facilitate understanding of international shipping and the difficulty in applying U.S. regulations to international vessels, we offer the following information regarding shipping routes. A "shipping line" operates on a set route involving many ports around the globe, and must adhere to a strict schedule to meet customer requirements. These routes are carefully constructed to meet multiple customers' delivery requirements while minimizing total fuel use and operating costs. An example is shown below for 2 of the 4 segments of a trans-Pacific route. All of our routes and detailed schedules can be viewed on our website at www.maerskline.com.



Transpacific (TP6) – Westbound

PORT	ARRIVES	DEPARTS	TRANSIT
Los Angeles, CA, USA	FRI 1800	MON 0300	--
Tacoma, WA, USA	THU 0800	FRI 0300	3
Vancouver, Canada	FRI 1630	SAT 1730	4
Yokohama, Japan	WED 1900	THU 0400	16
Nagoya, Japan	THU 1800	FRI 1600	17
Shanghai, Mainland China	SUN 1900	MON 0800	20
Ningbo, Mainland China	MON 2000	TUE 0700	21
Hong Kong, Hong Kong	THU 0400	THU 1500	24
Yantian, Mainland China	THU 2000	FRI 1000	25
Tanjung Pelepas, Malaysia	MON 2100	TUE 2100	27

Note: Weekly Service



Transpacific 6 (TP6) – Eastbound

PORT	ARRIVES	DEPARTS	TRANSIT
Tanjung Pelepas, Malaysia	MON 1930	WED 0130	--
Yantian, Mainland China	SAT 0300	SAT 2200	3
Hong Kong, Hong Kong	SUN 0400	MON 0400	4
Los Angeles, CA, USA	FRI 1800	MON 0300	16
Tacoma, WA, USA	THU 0800	FRI 0300	25
Vancouver, Canada	FRI 1630	SAT 1730	25

Thus each vessel calls in a given country or port only a few times each year. To provide weekly service, multiple vessels will be assigned to that route, spaced at the distance required to provide that service. Here are examples of recent scheduled visits to Los Angeles:

Vessel	LA 2007	LA 2008	LA 2008
Maersk Kure	Dec. 10-12	April 16-17	
Anna Maersk	Nov. 7-10	Feb 6-9	May 8-11
Sofie Maersk	Dec. 5-8	Mar 6-9	

The Sofie Maersk spent 97 days on a round-trip voyage from Los Angeles and back between December 5, 2007 and March 9, 2008. Including stops in Tacoma, the Sofie Maersk spent a total of eight days, less than 10% of her voyage, in U.S. ports. In the interim period, she made 21 other port calls in various countries.

Vessels are assigned to a given route or "string," but may be redeployed for repairs, periodic maintenance, and route changes due to market conditions and customer requirements. Since vessels often do not stay on the same routes for extended periods (years), and are redeployed to new ports or countries, consistent international standards are essential. In redeployment situations, a vessel will not likely have 30-days prior notice to obtain authorization to discharge in accordance with the requirements of the draft vessel general permit (VGP) (i.e., Notice of Intent [NOI] must be submitted 30-days prior to discharge; authorization date 30 days after complete NOI received).

The necessity of consistent regulations across the entire voyage is critical to smooth operations. Requiring the vessels to implement supplemental inspections, reports and records for the small portion of total operating the time the vessel is in U.S. waters is impractical, costly and does nothing to improve environmental impacts. In addition, and as mentioned earlier, we are concerned with individual States and even Countries choosing to adopt differing (or even conflicting) standards, thus subjecting vessels to different permit requirements at each port visited.

2. Existing Vessel Regulations

International vessels are highly regulated through a number of international conventions and treaties, as well as U.S. regulations. These include:

- International Maritime Organization (IMO)
- International Safety Management (ISM) code
- MARPOL – all annexes
- Vessel Classification Societies
- 33 CFR (Navigation and Navigable Waters)
- 46 CFR (Shipping)
- OPA-90

Routine inspections of cargo hold areas, boiler areas, machinery storage areas, and deck areas are conducted in accordance with the ISM code. Maersk conducts weekly inspections such that all areas of the ship are inspected over a three-month period. Inspections are documented in accordance with standard protocol. The ISM code also requires a comprehensive annual inspection and outlines corrective action procedures.

Other areas of the VGP permit that are addressed under existing regulations include:

Oily bilge water	MARPOL Annex I and California No Discharge Zones
Ballast water	Currently comply with the Invasive Species Act. Ballast water information is sent to the National Ballast Information Clearing House (NBIC); Ballast water plans are maintained onboard vessel; Regular inspections conducted by the California State Lands.
Hull coatings	Follow IMO standards related to TBT. None of our ships use TBT coatings
Gray water	Managed in accordance with MARPOL Annex IV and California Clean Coast Act
Galley food waste	Managed in accordance with MARPOL Annex V
Spill response	OPA-90 Non-Tank Vessel Response Plan (NTVRP) naming a qualified individual (QI) to handle spill response from our vessels

As previously stated, all information is documented onboard and available either in the ship's log book or in a separately maintained hardcopy. It must also be noted that the format of a ship's log is dictated by the vessel's flag administration. Additional comments may be entered in the log, but changing the format to make it user-friendly for U.S. regulatory purposes is not feasible. Likewise, keeping a separate set of books for U.S. recordkeeping purposes is cumbersome and fraught with the potential for errors. All logs and records are maintained on the ship and these are open for inspection by Recognised Organisations (RO's) and Port State Control Inspectors should the need arise. In addition, these are scrutinized during our internal audit process. Copies of typical reports can be provided for your review upon request.

3. Methodology and Estimate of Burden

The economic analysis of the proposed regulation, dated June 9, 2008, assumes that the entities subject to existing regulations (including the National Invasive Species Act; the Act to Prevent Pollution from Ships; The Comprehensive Environmental Response, Compensation, and Liability Act; the Organotin Anti-fouling Paint Control Act; and others) will not incur significant incremental costs (ref. Executive Summary). While it is difficult to understand EPA's burden estimate for the VGP and how the numbers are derived, we believe that the burden estimates provided in Tables 1 and 2 of the Federal Register Notice (73 FR 56570) are grossly underestimated. Table 1 states that there will be no additional annual cost and Table 2 indicates that it will take an average of 1.9

hours per year (Table 2 – average responses per respondent is 3.2 at an average of 0.6 hours per response) to comply with the permit. It will likely take more than two hours to clean the vessel decks prior to leaving U.S. ports; something that is now done when the ship is safely at sea (Reference attached table for additional discussion on deck washdown).

Part of the misunderstanding appears to be based in the technical document entitled "*Phase I Uniform National Discharge Standards for Vessels of the Armed Forces*"; the assessment used to identify the 28 discharge streams in the proposed VGP permit. The Battelle report specifically states: "Battelle's ability to associate discharges to particular civilian vessel types was limited, given the specific applicability of the Uniform National Discharge Standards (UNDS) reports to Armed Forces vessels. Some discharges can be easily connected to certain types of vessels while other discharges may or may not apply to any number of vessels".

While military vessels may operate with hundreds of personnel, container vessels generally operate with a very streamlined and efficient compliment of 15-18 crew. U.S. military vessels and international container ships have different purposes and thus different design and operational criteria. While U.S. military personnel understand the U.S. regulatory system and may require little additional training on a new set of regulations, international vessels are often operated by crews who will require significant additional training to ensure they understand the recordkeeping and reporting requirements under the U.S. regulatory system. As an example, the regulated community often misunderstands that "Best Management Practices (BMPs)" are enforceable requirements and not a continual improvement initiative. Neither the training time nor the time to develop compliance plans for the U.S. regulations has been factored into the burden.

We previously mentioned the need to redeploy ships on short notice; in some cases, the advance notice is as short as two weeks. For example, we redeployed approximately three vessels into Los Angeles within a three month period this summer. Vessel redeployment can be frequent and is required under several circumstances:

- Taking a ship out of service for maintenance and repairs (planned and unplanned)
- Speed reductions to conserve fuel and reduce emissions often require that an additional ship be placed on the string to be able to meet cargo shipment schedules (fuel savings are achieved with optimized speed reductions even with an additional ship on the string)
- Economic conditions that require additional, or reduced, ships on any given route.

The administrative burden associated with submitting the NOI for every redeployment has not been factored into the estimate.

Finally, as discussed in Item 2, we are conducting most of the inspections and implementing the BMPs proposed in the draft permit under other international conventions. However, there are numerous other issues that add to the burden that have not been addressed:

- Ambiguous or unclear requirements (see Items 4 and 5 below)
- Requirements for collection of samples (not currently required under other regulations or conventions),
- Duplicative reporting and recordkeeping

We conservatively estimate that implementation of these requirements for Maersk vessels will require a minimum of 50 hours per vessel annually. We believe that the burden is significant and request that EPA re-evaluate the economic analysis and burden using data specific to the international vessels (cargo ships and tankers).

4. Quality, Utility and Clarity of Information to be Collected

As stated in our August 1, 2008 comments, there are numerous issues that require clarification, including:

Permit Ownership - The proposed regulation requires owner or operators (owners/operators) to submit the Notice of Intent (NOI) and comply with all permit regulations. In many instances, the vessel owner is not responsible for the crew or vessel operation and, therefore, the vessel owner would have no control over the implementation of the permit requirements. It is recommended that EPA provide clarifying language stating that it is the holder of a ship's Document of Compliance with the International Safety Management (ISM) Code who is responsible for submitting the NOI and complying with the VGP requirements.

Compliance Scope and Recordkeeping – The draft permit requires compliance (inspections and recordkeeping) while in "waters of the United States" as identified in 40 CFR 122.2 (extending to the outer reach of the 3 mile territorial sea). However, it is unclear if the vessel is required to only conduct the inspections and maintain records applicable to the discharges, BMPs and maintenance while within the U.S. waters; or if, in fact, vessels covered under the permit are required to complete inspections and maintain records throughout the entire duration of the permit irrespective of being in international waters or territorial waters of other Countries. This again highlights the futility of regulating international vessels in a fragmented manner.

Self Inspections and Monitoring - The requirement for quarterly collection of samples for visual inspection is impractical and technically infeasible for many of the discharge streams listed, particularly for those discharges below the water line and for discharges that are likely to be *de minimis* in volume or quantity of pollutants. Ships are not built to facilitate the collection of samples from many of these discharges, and collection of the samples poses potential safety risks. Sampling

does not appear justified based on the potential safety risks to personnel versus the potential environmental benefit derived from the inspections.

5. Additional Technical Comments and Comments on Specific Discharge Categories

The attached table provides additional comments and request clarification for several of the discharge categories. In addition, we are requesting that several additional discharges from container vessels be added to the VGP for completeness.

We would like to call particular attention to the requirements in draft VGP on cathodic protection. EPA recommends the use of Impressed Current Cathodic Protection (ICCP) in place of sacrificial electrodes. Where sacrificial anode systems are used, the draft VGP requires the selection of the least toxic anode material that is technologically feasible and economically practicable and achievable, in the order of preference of magnesium, aluminum, then zinc.

Ships with ICCP systems may also have sacrificial anodes located on hull appendages (stern and rudders) where ICCP is not effective and these sacrificial anodes are most often zinc. This is because there are significant potential safety and operational issues associated with use of magnesium and aluminum. Magnesium has a tendency to descale paint which makes it unfit for use. Aluminum presents a risk of spark formation if dropped on tank tops. Therefore, zinc is the preferred metal for sacrificial anodes.

Furthermore, the International Association of Classification Societies has published a document “Requirements concerning FIRE PROTECTION” (IACS Req.1998/Rev.1, 2002) which states:

“In order to protect oil tankers from fire hazards:

F1.1 Impressed current system are not permitted

F1.2 Magnesium or magnesium alloy anodes are not permitted in oil cargo tanks and tanks adjacent to cargo tanks

F1.3 Aluminum anodes are only permitted in cargo tanks and tanks adjacent to cargo tanks in locations where the potential energy does not exceed 28 kg m (200 ft lb).

F1.4 There is no restriction on the positioning of zinc anodes”

In light of this information, we request that EPA revise the language of the draft permit to recognize that zinc may be the anode of choice for safety and operational purposes.

In closing we would like to reiterate that there are significant issues that have not been considered in estimating the burden on the shipping industry from this proposed regulation:

- Shipping is a highly regulated, global industry that requires consistent, global solutions to environmental concerns.
- Many of the inspection, reporting and recordkeeping requirements in the draft Vessel General Permit (VGP) are already being accomplished under international conventions. There is little practical utility in requiring vessels to duplicate information required under existing international conventions and treaties to which the U.S. is a party.
- To develop the draft vessel permit, EPA evaluated military vessels, but did not appear to evaluate commercial vessels, including container ships. Therefore, the methodology and assumptions used to estimate the burden on commercial ships are flawed. At minimum, EPA has not evaluated nor incorporated the regulations, reporting, and recordkeeping requirements that international vessels are currently required to meet.
- The draft permit contains numerous ambiguities related to data collection, including when data collection must begin (entire voyage vs. in U.S. territorial waters).

Finally, as previously stated, the primary way to minimize the burden on the shipping community while continuing to protect the environment and meet the intent of the VGP, is for EPA to coordinate its requirements with the extensive regulations to which these vessels are already subject.

We appreciate the opportunity to provide these comments as well as your consideration in reevaluating the burden and requested changes in the proposed permit. We would be pleased to provide any additional input or information to EPA on this matter in written form, or to meet with the agency to provide input and assist in fine-tuning requirements and BMPs. Please do not hesitate to contact us. Our technical contact for this program is Elaine Harmon, P.E., General Manager - Environmental Programs and HSE Compliance, at 704/571-5527 or NAMENVIRO@maersk.com.

Sincerely,

William R. Williams,
Captain U.S. Navy (Retired.)
V.P. Health, Safety, Environment and Quality

Comments on Specific Discharge Categories and Request for Clarification

Category	Proposed VGP Requirement	Maersk Comments / Request for Clarification
Deck Washdown and Runoff	• Clear vessels' decks of debris, garbage, residue and spills prior to conducting deck wash downs	• We request clarification – does deck cleaning refer to spot cleaning or total deck cleaning? • Impractical to control natural occurrences such as rain, squalls, deck wash from wave action, etc. • Deck scuppers can be closed during certain operations, such as bunkering etc. Spills, if any, can be cleaned up. Deck runoff cannot normally be collected on ships. • Cleaning of decks prior to sailing is impractical and presents a safety concern as crew are focused on securing the cargo. Requiring ships to clean the deck before leaving port would result in delayed sailing. • Cleaning of decks in port would result in greater amounts of undesirable run-off into U.S. territorial waters and harbors than if no cleaning was done at all. • Since salt water cleaning can accelerate corrosion, deck washing should be done with fresh water, a potential demand on water resources in some ports.
	• Clear vessels' decks of debris, garbage, residue and spills prior to departing from port	
	• When required by class societies or flag Administrations, vessels must be fitted with and use perimeter spill rails and scuppers to collect runoff for treatment	
	• Machinery on deck must have coamings or drip pans to collect any oily water from machinery and prevent spills.	
	• Drip pans must drain to a waste container for proper disposal. The waste container must be periodically wiped and cleaned	
	• Discharges from deck wash downs must be free of floating solids	
	• Deck runoff must be collected during certain times such as during or after fueling operations, when spills occur, or when required by a vessel's class society	
	• Minimize the environmental impact of deck runoff by ensuring decks are clear of debris, garbage and chemicals spills (e.g., grease, fuel, hydraulic fluid, caustics, detergent); maintaining the topside surface of the deck; use of drip pans under machinery located on deck; deck washdown conducted with non-toxic and phosphate-free cleaners and detergents	
	• Vessels must clean decks prior to leaving U.S. ports	

Bilgewater	• Minimize discharge of bilgewater into Waters of the U.S. by minimizing production of , disposing of bilgewater on shore where adequate facilities exist, or discharging more than 3 nm from shore, but in accordance with MARPOL and U.S. Coast Guard regulations • May not use dispersants, detergents, emulsifiers, chemicals or other substances to remove the appearance of a visible sheen in bilgewater discharges • May not add substances that drain to bilgewater that are not produced in the normal operation of a vessel • Bilgewater discharges must have onboard oil-water separation (OWS) capabilities • If the vessel does not treat bilgewater with an OWS and cannot be assured that the bilgewater will not cause a sheen on the receiving water, the bilgewater must be held onboard for onshore disposal • Vessels >400 gross registered tons shall not discharge untreated bilgewater into Waters of the U.S. • Vessels that leave the waters subject to this permit more than once per month and are >400 gross registered tons, may not discharge bilgewater with 1nm of shore unless the discharge is required to maintain the safety and stability of the ship. • Vessels >400 gross registered tons shall not discharge bilgewater into Marine Sanctuaries unless the discharge is required to maintain the safety and stability of the ship • Vessels >400 gross registered tons that sail outside the territorial sea at least once per month may only discharge treated bilgewater when the vessel is underwater and sailing at speeds >6 knots (unless doing so would threaten the safety and stability of the ship. • *Any discharge which is made for safety reasons must be documented*	• Bilge water is not defined in the permit and a complete definition should be included in Appendix A. The definition appears to be covering only Oily Bilge Water as regulated via the MARPOL Convention (Annex I). How will non-oily bilge water from cargo space etc., (not covered by MARPOL) be addressed? • We are presently complying with the Ca. 3 nm no discharge zone and believe that EPA should reference or adopt existing regulations for bilge water management, instead of creating new and, potentially conflicting, regulations. • There are hundreds of different ship configurations and in many cases OWS systems are only installed and designed to treat bilge water from engineering mechanical spaces where oil contamination is most likely. A ship may have other compartments with bilges and bilge pumps which collect nothing other than naturally-occurring condensate, air conditioning condensate drains, or sea water from various systems and relief valves. Requiring ships to send these streams through OWS systems would require costly or impractical modification for some vessels or overload the existing systems.

Ballast Water *Mandatory Practices* *(other specific ballast water requirements not included in this table to reduce volume – comments are inclusive of all requirements)*	• Discharges of ballast water must comply with Coast Guard Regulations found in 33 CFR Part 151 as well as the following requirements: - Discharges of ballast water may not contain oil, noxious liquid substances, or hazardous substances in a manner prohibited by U.S. laws - Avoid the discharge of ballast water into waters that are within/directly affect: marine sanctuaries, marine preserves, marine parks, shellfish beds, or coral reefs or other waters - Minimize or avoid ballast water uptake in areas with a the following situations: o Areas known to have infestations or populations of harmful organisms and pathogens o Near sewage outfalls o Areas near dredging operations o Areas with poor tidal flushing or turbid tidal streams o In darkness when bottom dwelling organisms may rise up in the water column o In shallow water or where propellers may stir up the sediment o Areas with pods of whales, convergence zones and boundaries of major currents - Clean ballast water tanks regularly to remove sediments in mid-ocean or under controlled arrangements in port or at dry dock - Discharge the minimal amount of ballast water essential for vessel operations while in the waters of the U.S.	Ballast water is covered under numerous regulations and requirements should not be duplicated. • In accordance with local regulations, ballast water management plans are currently in place and maintained onboard each vessel. • Ballast water reports are sent to the National Ballast Information Clearinghouse (NBIC). • State regulators (e.g., California State Lands) conduct routine ballast water inspections

Anti-Fouling Hull Coating Leachate	- Zero discharge standard for Tributyltin (TBT). TBT is prohibited by this permit - Other antifouling hull coatings must be registered, sold or distributed, applied, maintained, and removed in a manner consistent with applicable requirements on the coating's FIFRA label (*FIFRA is the Federal Insecticide, Fungicide and Rodenticide Act and controls the registration and use of these materials*) - For vessels with hull coatings not registered under FIFRA, the owner/operator must ensure that the coating does not contain biocides or toxic materials that are banned in the U.S. This applies to all vessels, including those registered and painted outside the U.S. - Vessel operators must minimize the use of more toxic coatings than may be needed on some vessels. The selection of an antifouling system for a particular vessel must be made in consideration of the vessel's operational profile, including operating speed, drydocking requirements, and the waters in which the vessel will be traveling, because such factors affect the fouling rate of the hull. Preference should be given to coatings with the lowest effective biocide release rates, rapidly biodegradable components, or non-biocidal alternatives, such as silicone coatings. - For ports and harbors that are impaired by copper, (including Shelter Island Yacht Basin in San Diego and waters in and around Ports of Los Angeles and Long Beach) owner/operators of vessels that spend more than 30 day/year in the harbor, or use the waters as their home port, must consider using antifouling coatings that rely on a rapidly biodegradable biocide or another alternative rather than copper based coatings. If vessel operators continue to use copper based antifoulant paints, they must ***document in their recordkeeping documentation how the decision was reached***. - Match the coating's ability or strength to drydock cycles.	• What proof is needed for documenting the anti-fouling selection? (see also comments on Underwater Ship Husbandry) • In accordance with IMO, all of our ship hulls are TBT-free • Most vessels are built overseas and the hull coatings that are applied outside the U.S. would not be registered under FIFRA. However, one hull coating supplier has circulated a notice that, to the best of their knowledge, the antifouling coatings they use do not contain any biocides or toxic materials banned for use in the United States. Accordingly, hulls applied with this manufacturer's paint are compliant with the aforementioned requirements.
Aqueous Film-Forming Foam	- Discharges of AFFF are authorized for emergency purposes when needed to ensure the safety and security of the vessel and	• What documentation is required for the decision on substitution using non-fluorinated foaming agent?

(AFFF)	crew. If such an emergency discharge occurs, an explanation of the emergency and the need to discharge AFFF must be ***written in the ship's log*** or other recordkeeping documentation - Vessels that sail outside of the territorial sea more than once per month, maintenance and training discharges of AFF are not authorized o Such discharges should be collected and stored for onshore disposal or scheduled for when the vessel is outside U.S. waters - For vessels that do not leave the territorial sea more than once per month, maintenance and training discharges must be minimized and should be collected and disposed of onshore unless the vessel uses non-fluorinated or alternative foaming agent o Training should be conducted as far from shore as practicable o Maintenance or training discharges are not allowed in port - Discharges of AFFF may not occur in or within 1 nm of waters subject to this permit unless they are discharged: o For emergency purposes, o By rescue vessels for firefighting purposes o By vessels owned or under contract to do business exclusively in or within 1 nm of those protected areas by the U.S. government or state or local governments If an emergency discharge occurs in these waters, an explanation of the emergency and the need to discharge AFFF must be ***written in the ship's log*** or other recordkeeping documentation	• Vessels should not be prohibited from discharging AFF as part of training in port. Training exercises are needed for the safety of the crew, vessel and port operations. Training is best conducted while at port.
Cathodic Protection	• Vessel operators must minimize the flaking of large, corroded portions of sacrificial anodes. • Sacrificial anodes must not be used more than necessary • Vessel operators must appropriately clean and/or replace these anodes in periods of maintenance (such as drydocking) to minimize release of metals	• What documentation is required to show compliance? ICCP logs and inspection reports? BMP is too vague. • Ships with ICCP systems may also have sacrificial anodes located on hull appendages where ICCP is not effective. On these, Zn is the most used sacrificial anode. Magnesium has a tendency to descale paint which makes it unfit for use. Aluminum presents a risk

	• For sacrificial anode systems, select the least toxic anode material that is technologically feasible and economically practicable and achievable, in the order of preference of magnesium, aluminum, then zinc, • EPA recommends the use of Impressed Current Cathodic Protection (ICCP) in place of sacrificial electrodes - If vessels operators use ICCP, they must maintain dielectric shields to prevent flaking. - Newly constructed vessels must use ICCP if technologically feasible	of spark formation if dropped on tank tops. Therefore, zinc is the preferred metal for sacrificial anodes • The International Association of Classification Societies has published a document "Requirements concerning FIRE PROTECTION" (IACS Req.1998/Rev.1, 2002). In order to protect oil tankers from fire hazards: F1.1 Impressed current system are not permitted F1.2 Magnesium or magnesium alloy anodes are not permitted in oil cargo tanks and tanks adjacent to cargo tanks F1.3 Aluminum anodes are only permitted in cargo tanks and tanks adjacent to cargo tanks in locations where the potential energy does not exceed 28 kg m (200 ft lb). F1.4 There is no restriction on the positioning of zinc anodes In light of this information, we request that EPA revise the language of the draft permit to recognize that zinc may be the anode of choice for safety purposes.
Chain Locker Effluent	• Ensure the chain itself is properly cleaned (more than cursory rinse) as it is being hauled out of the water to reduce the likelihood of transporting marine organisms and sediment. • Chain lockers must be cleaned thoroughly during dry docking to eliminate accumulated sediments and any potential accompanying pollutants. • Vessels that regularly sail outside waters subject to this permit, if technically feasible, must periodically clean, rinse, and/or pump out the space beneath the chain locker prior to entering waters subject to this permit, preferably in mid-ocean, if the anchor has been lowered into any nearshore waters. • For vessels that leave waters subject to this permit at least once per month, chain lockers may not be rinsed or pumped out in waters	• Is this required every time prior entering 3 nm zone from US? Cleaning should only be required after each use and as part of retrieving the anchor, not before entering port. • Chains are regularly hosed down and a complete cleanout is conducted every 5 years during the dry dock maintenance and repairs

	subject to this permit, unless not emptying them would compromise safety. Such a safety claim must be ***documented in the vessel's recordkeeping documentation***.	
Controllable Pitch Propeller (CPP) Hydraulic Fluid	• Seals must be maintained in good working order to reduce leakage • If possible, maintenance activities on controllable pitch propellers should be conducted while the vessel is in drydock. • If maintenance activities must occur when the vessel is in water, an oil boom must be used to contain any hydraulic oil leakage • Operators must have appropriate equipment such as oil absorbent pads, available on the vessel to clean any potential oil spills	• Would there be any change in this requirement if biodegradable oils are used?
Elevator Pit Effluent	• The proposed permit does not authorize the discharge of elevator pit effluent except in emergency situations and only if treated by an oil water separator to meet the treatment level of 15 ppm as measured by EPA Method 1664. • Emergency discharges ***must be documented*** in the ship's log or other vessel recordkeeping documentation. • The Agency feels that the limited amount of effluent generated and the high likelihood of its contamination at harmful levels can best be addressed by storage of the effluent for treatment and disposal onshore.	• This is not applicable to most container vessels. However, like many other small compartments on a ship, an elevator pit may not be hard-piped to an OWS, and; therefore, treatment by OWS would be impractical.
Firemain Systems	• Discharges form firemain systems are authorized for emergency purposes when needed to ensure the safety and security of the vessel and crew • Minimize the discharges while the vessel is in shallow or contained water bodies such as ports or protected waters. • Do not discharge firemain systems in waters subject to this permit except in emergency situations or when washing down the anchor chain to comply with anchor wash down requirements when pulling the anchor and anchor chain from waters.	• This is just sea water being pumped through the firemain system back to the sea. This discharge category should be allowed under the permit without restrictions • For safety reasons, the use of firemain systems should not be restricted under any circumstance
Freshwater Layup	• Minimizing the use of disinfection agents used in freshwater layup to the lowest effective level that will prevent aquatic growth.	• What documentation must the vessel carry to document such decisions?

	• EPA believes that this can be accomplished by following the application rate suggestions provided by the treatment manufacturers to keep the discharge of the disinfectants as low as possible.	
Graywater	• Vessel operators are required to minimize the discharge of graywater while in port. • For vessels that cannot store graywater, the owner/operator and their crews should minimize the production of graywater in port and in waters subject to this permit. • All vessels that have the capacity to store graywater shall not discharge the graywater in waters subject to this permit. • For vessels greater than 400 gross registered tons that regularly travel more than 1 nm from shore with the capacity to store graywater for a sufficient period, graywater must be discharged greater than 1 nm from shore while the vessel is underway. • Vessels that do not travel more than 1 nm from shore shall minimize the production of graywater and must dispose of graywater on shore if appropriate facilities are available and such disposal is economically practicable and achievable. Minimize the discharge of graywater when the vessel is not underway. • If graywater will be discharged in waters subject to this permit, the introduction of kitchen oils must be minimized to the graywater system. When cleaning dishes food and oil residue must be removed as much as practicable before rinsing dishes. Oils used in cooking shall not be added to the graywater system. Oil from the galley and scullery shall not be discharged in quantities that may be harmful. • Soaps and detergents used in any capacity that will be discharged as graywater into water subject to this permit must be non-toxic and phosphate-free. The detergents must be free from toxic and bioaccumulative compounds and not lead to extreme shifts in receiving water pH. • If a vessel is underway in a nutrient impaired water or a water that is impaired for phosphorous, nitrogen, or for hypoxia or anoxia (low	• Graywater discharges are managed in accordance with MARPOL Annex IV and it is recommended that EPA reference this requirement in the VGP. • Most commercial container vessels and tankers operate with very small crews (15-30) compared to hundreds or thousands on military and cruise vessels. • What does “minimize” mean in this context, and what records are required to demonstrate this? Does this mean that daily showers or other activities must be rationed? BMP is too vague.

	dissolved oxygen concentrations) these steps must be followed: - When the vessel has adequate graywater capacity, the vessel owner/operator shall not discharge graywater into nutrient impaired waters subject to this permit. - Where the vessel does not have adequate storage capacity to eliminate such discharges, graywater production and discharge must be minimized in such waters. Any such discharge must be conducted while the vessel is underway in areas with significant circulation and depth to the extent feasible. Graywater stored while in such waters can later be disposed of on shore or discharge in accordance with the other requirements of this permit.	
Motor Gasoline and Compensating Discharge	• Discharge of motor gasoline and compensating effluent must meet oil limitations of less than 15 ppm. • Minimize discharge while the vessel is in port • Vessels shall not discharge motor gasoline and compensating discharge into Federally protected waters	• This is applicable to outboard engines on man-over-board (MOB) boats and lifeboats. Because these are by definition emergency craft, we are unclear as to how we prove compliance with the 15 ppm standard.
Rudder Bearing Lubrication Discharge	• The protective hull seal on rudder bearings must be maintained in good operating order to prevent the leaking of lubricating oil. EPA has determined that discharges of lubricants should not occur if vessels are properly maintained. This waste stream, therefore, <u>is not</u> an allowable discharge. • Vessel operators should employ all necessary control measures such as regular maintenance and inspections to ensure that leaks do not occur.	• Some ships use seawater as a lubricant, and in that case, the discharge should be allowed without restriction.

Seawater Cooling Overboard Discharge	• EPA has not prohibited the discharge of the heated seawater because it is infeasible with existing vessel design to prohibit their discharge. • Reduce discharges of seawater cooling overboard in ports or enclosed water bodies to reduce impacts from the heated waters • When possible, seawater cooling overboard should be discharged when the vessel is underway so that any thermal impacts are dispersed. • Maintenance of all piping and sweater cooling systems must meet the requirements of Seawater-Piping Biofouling Prevention (see below). • **The EPA recommends** that the vessel owner/operators use shore based power when the vessel is in port if: - Shore power is readily available for vessel owner/operators from utilities or port authorities. - Shore based power supply systems are capable of providing all needed electricity required for vessel operations. - The vessel is equipped to connect to shore-based power and such systems are compatible with the available shore power.	• We strongly disagree with this attempt to promote Cold Ironing (use of shore-based power system) in this venue and request that the reference be removed from the permit. Cold ironing poses significant safety, operational and cost concerns for our operations. • As a practical matter, use of shore power will only reduce generator cooling water discharge, and not the cooling water for pumps and heat exchangers that make up the majority of a ship's overboard discharges. • The vast majority of ships entering U.S. ports do not have shore power capability and the U.S. port infrastructure does not exist to support cold ironing at any significant level. • Until such time as the infrastructure issues and the practical issues of safety and security related to connect/disconnect and operating on shore power are addressed, this editorial advocacy for shore power should be deleted.
Small Boat Engine Wet Exhaust	• Vessel owner/operators should use low sulfur or alternative fuels for their small boat engines to reduce the concentration of pollutants in their discharge. • Vessels that generate wet exhaust must be maintained in good operating condition, well tuned, and functioning according to manufacturer specifications to decrease pollutant contributions to wet exhaust. • Vessel operators are encouraged to consider four-stroke engines in lieu of two-stroke engines to minimize the discharge of pollutants to waters subject to this permit.	• We request that the mother vessel's NOI and permit include on-board life-boats and MOB's.

Sonar Dome Discharge	• Water from inside the sonar dome may not be discharged within waters subject to this permit for maintenance purposes. • Vessel operators should not use bioaccumulative biocides on the exterior of sonar domes when other viable alternatives are available.	• We request clarification on this discharge category and the types of vessel to which it applies • As a practical matter, water flooded sonar dome water exchange is conducted under controlled conditions at sea, and exchange or discharge of sonar dome water in port would only be an emergency situation. However, occasionally a sonar dome may have to be emptied for an inspection. The maintenance requirements of the vessel's master/captain may require this to be done in port for safety reasons.
Underwater Ship Husbandry	• EPA has not identified an alternative to underwater ship husbandry, a viable treatment technology, or specific practices that will eliminate all releases of contamination. Dry dock cleaning is the preferred alternative to underwater ship husbandry whenever possible. However, the Agency is requiring that vessel operators employ removal and cleaning methods that reduce the environmental impacts due to releases of biocides, hull coating materials, and invasive species. • Vessel owner/operators must minimize the transport of attached living organisms when they travel into U.S. waters from outside the U.S. economic zone or when traveling between COTP zones. Minimization techniques include preventing the hull from fouling using appropriate anti-foulant paint and frequently removing fouling organisms from the hull. • Whenever possible, hull cleaning should be conducted when the vessel is in drydock or where the removal of fouling organisms or spent antifouling coatings paint can be contained. If water-pressure based systems are used to clean the hull and remove old paint, use facilities which treat the washwater prior to discharge to remove the antifouling compound(s) and fouling growth from the washwater. • Vessel owner/operators who remove fouling organisms from hulls while the vessel is waterborne must employ methods that minimize	• In-service under-water hull cleaning should be addressed in the permit. In service hull cleaning is required to reduce ship drag to minimize fuel use and reduce emissions. In-service hull cleaning requires 12-18 hours to complete, depending on vessel size. Therefore, it must be completed while in port with a relatively long turn-time. • Maersk Line has now eliminated TBT coatings from its owned container vessel fleet. However, BMPs requiring substitution of non-TBT paints or silicone paints is not justifiable. The total environmental impact of the paint system should be taken into account, especially the energy and GHG emission impact of a paint not performing optimally. • Does the permit require regular cleaning of the hull and, if so at which intervals?

	the discharge of fouling organisms and antifouling hull coatings. These shall include: - The use of a soft brush or sponge to remove organisms while minimizing removal of antifouling coatings and biocide releases into the water column - Limiting use of hard brushes and surfaces to the removal of hard growth - When available land feasible, use vacuum cleaning technologies to minimize the release or dispersion of antifouling hull coatings and fouling organisms into the water column. • Cleaning of copper based antifoulant paints must not result in any visible cloud or plume of paint in the water; if a visible cloud or plume of paint develops, shift to a softer brush or less abrasive cleaning technique. Production of a visible cloud or plume of paint containing copper antifoulant paint is a permit violation. • Vessels that use copper based anti-fouling paint must not clean the hull in copper impaired waters within 365 days after paint application unless there is a significant visible indication of hull fouling.	
Welldeck Discharges	• Welldeck discharges containing graywater from smaller vessels should not be discharged within waters subject to this permit except in cases of emergency. • Welldeck discharges from gas turbine engines may not be discharged within waters subject to this permit • Welldeck discharges from equipment and vehicle washdowns must be free from garbage and must not contain oil in harmful quantities • Should these wastes be present, the vessel operator must retain the discharge for onshore disposal.	Please provide additional information on this discharge category and the vessels types to which it applies

Graywater Mixed with Sewage from Vessels	• All graywater discharges containing sewage are required to meet the relevant standards contained within this proposed permit for graywater. • Discharge minimization requirements, prohibitions, standards, and other requirements applicable to graywater as appropriate are also required for graywater containing sewage. • While not a requirement of this permit, vessel operators should be aware that CWA Section 312 and its implementing regulations contains requirements for discharges of sewage from vessels.	This is currently covered under MARPOL Annex IV. We recommend that EPA cross-reference the existing requirements
Oil seals from transverse thrusters, pod-drives, azimuth drives, and stabilizer fins.		We request that this discharge category be added to the VGP.
Galley Food Waste Grinder		The overboard from the galley food waste grinder has not been included in the draft VGP. This is currently managed in accordance with MARPOL Annex V and we request it the category be added to the VGP with a reference to the MARPOL requirements.
Steel wire hawsers		Steel wire hawsers are used by oil tankers and others. Such wires are maintained with grease which may be exposed to the sea water while the vessel is performing mooring operations.
Life Boats, Rescue Boats, and Any Other Carried Craft Onboard:		We request that discharges from these small craft be added to the VGP as a specific discharge and that they not be regulated under a separate permit. Separate permits for the mother vessel and smaller onboard craft would be unduly burdensome.

Swimming pool drains on container vessels		We request that this discharge category be added to the VGP. In general, seawater without additives is used in onboard swimming pools on container vessels
Non-MARPOL Annex I bilge water.		Bilge water is not defined in the permit and a complete definition should be included in Appendix A. The definition appears to be covering only Oily Bilge Water as regulated via the MARPOL Convention (Annex I). We request that the VGP also include non-oily bilge water from cargo space etc. (i.e., not covered by MARPOL)