

Vessel Incidental Discharge Act (VIDA)

Vessel Incidental Discharge Act Update 2018

The Northeast Aquatic Nuisance Species Panel
Fall Meeting
December 3-4, 2018

New Hampshire Department of Environmental Services
Portsmouth, NH

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CURRENT STATUS

- Senate passed S.140 “Frank LoBiondo Coast Guard Authorization Act of 2018” on November 14, 2018
- Bipartisan vote of 94-6
- VIDA included in S.140 under Title IX
- House must still pass VIDA and President must sign final bill into law

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EFFECT ON STATE REGULATION OF BALLAST WATER

- **National standards for ballast water management to be established**
 - *States must be consulted regarding development/promulgation of national standards*
- **National standards supersede Clean Water Act authority (VGP/WQC)**
 - States lose authority to regulate ballast water discharges under Section 10 of the CWA
- ***Existing state ballast water management programs “grandfathered”***
 - *Fee based vessel inspection and enforcement programs retained*

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NATIONAL STANDARDS

- State laws more stringent than current VGP retained until new national standards for every vessel type and discharge covered by the bill are promulgated
- *EPA lead agency for establishing water quality standards for vessel discharges*

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RHODE ISLAND WATER QUALITY CERTIFICATE

- **Rhode Island WQC establishes conditions more stringent than VGP**

- Ballast water exchange required even with on-board treatment systems (**BWM systems**)
- Bilge water must be discharged prior to entering RI waters
- Ballast water treated by on-board systems must be sampled/analyzed at least annually
- Graywater discharge must meet RI WQ regulations prohibiting further degradation of impaired waters

- *States can petition federal agencies for higher national standards*

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NATIONAL STANDARDS

- Coast Guard promulgates EPA standards into vessel technology requirements and is lead agency on monitoring, inspection, and enforcement of those standards
- States retain the ability to enforce federal standards and requirements*
- Non-grandfathered states may develop and implement vessel inspection programs*

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STATE INSPECTIONS OF VESSELS AND TREATMENT SYSTEMS

•Coastal Aquatic Invasive Species Mitigation Grant Program and Mitigation Fund

- Appropriation: funds equal to fines under Sec.312 (p) of the CWA during previous fiscal year
- Additional authorization: \$5,000,000 each fiscal year

•Purpose of Mitigation Grant Program and Fund

- *Implement programs, including permissible State ballast water inspection programs, to prevent, detect, control, mitigate, and eradicate AIS in the coastal zone or EEZ*

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GREAT LAKES AND LAKE CHAMPLAIN INVASIVE SPECIES MONITORING PROGRAM

- **Monitor for the introduction and spread of ANS**
- **Detect newly introduced ANS**
- **Actions to prevent or stop the establishment or spread of an aquatic nuisance species**
- **Establish watch list of ANS that may be introduced and established**
- **Monitor vectors likely to contribute to intro/spread of ANS including ballast water operations**
- **Achieve type approval for BWM systems for vessels operating solely w/in GL and Lake Champlain**

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NEXT STEPS

- **States may develop vessel and BWM systems inspection programs**
 - Must be in place prior to promulgation of national standards
- **NEANS Panel regional coordination role: Inspection Programs**
 - Assist interested states in developing inspection programs
 - Organize inspection program training for state/regional agency personnel
- **NEANS Panel regional coordination role: National Standards**
 - Establish work group to provide regional input for national standards
 - Coordinate with Ballast Water Work Group regarding national standards