

Public Notice Beginning Date: **November 21, 2012**
Public Notice Ending Date: **November 28, 2012**

Section 401 of the Federal Water Pollution Control Act
Amendments of 1972

Section 401 Water Quality Certification to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-0610

Project Description: Two Proposed Section 401 Water Quality Certifications for, Vessel Discharges Incidental to the Normal Operation of Commercial Vessels and Large Recreational Vessels (VGP), and for, Discharges Incidental to the Normal Operation of Vessels Less Than 79 Feet (sVGP).

Discharge Location: Lake Michigan, and all water bodies capable of allowing commercial shipping traffic.

Name of Receiving Waters: The waterways generally affected by this permit include the Mississippi River, the Ohio River, the Kaskaskia River from its confluence with the Mississippi River to Fayetteville, the Illinois Waterway which includes the Chicago Sanitary and Ship Canal, the Calumet Sag Channel, the Little Calumet River from its junction with the Grand Calumet River to the Calumet Sag Channel, the Grand Calumet River, the Calumet River, Lake Calumet, the South Branch of the Chicago River, the North Branch of the Chicago River from its confluence with the North Shore Channel to its confluence with the South Branch, the North Shore Channel, the Des Plaines River from its confluence with the Chicago Sanitary and Ship Canal to its confluence with the Illinois River, and the Illinois River. This permit also affects Lake Michigan.

The Illinois Environmental Protection Agency (IEPA) hereby requests comments on its two proposed Section 401 Water Quality Certifications for vessel discharges covered by the VGP and sVGP. The IEPA is proposing to issue a Section 401 Water Quality Certification to the United States Environmental Protection Agency (USEPA) for discharges from vessels covered by USEPA's draft National Pollutant Discharge Elimination System (NPDES) Vessel General Permit for Discharges Incidental to the Normal Operation of Commercial Vessels and Large Recreational Vessels (VGP). The IEPA is also proposing to issue a Section 401 Water Quality Certification to the United States Environmental Protection Agency (USEPA) for discharges from vessels covered by USEPA's draft National Pollutant Discharge Elimination System (NPDES) Small Vessel General Permit, for Discharges Incidental to the Normal Operation of Vessels Less Than 79 Feet (sVGP). A copy of USEPA's Draft NPDES permits and fact sheets are available on their website at www.epa.gov/npdes/vessels.

The Public Notice period will last 7 days, and will begin and end on the dates indicated in the heading of this Public Notice. Comments must be received by midnight the Public Notice period ending date. Interested persons are invited to submit written comments on the proposed certification to the IEPA at the above address. Commentors shall provide their names and addresses along with comments on the proposed certification.

A copy of this Fact Sheet and the Draft 401 Certifications are available on the IEPA website at www.epa.state.il.us/public-notices/.

If written comments or requests indicate a significant degree of public interest in the proposed certification, the IEPA may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing. If a Section 401 water quality certification is issued, response to relevant comments will be provided at the time of the certification. For further information, please contact Darin LeCrone at 217/782-0610.

Antidegradation Assessment for the USEPA Vessel General Permit (VGP) and Small Vessel General Permit (sVGP)

USEPA has proposed two general permits regulating one (VGP) covering discharges from commercial or recreational vessels greater than 79 feet in length, and the other (sVGP) covering discharges from non-recreational, non-military vessels less than 79 feet. The discharges covered include ballast water, bilge water, grey water and other types of discharges common to vessels used as transportation. Other types of discharges, such as fish processing wastewater or water generated as a result of energy production, are not covered under this permit as these are activities that are not directly related to the transportation function of vessels. The types of discharges covered under these proposed general permits are listed in Section 1.2.2 of the proposed Vessel General Permit (VGP) permit, and Section 1.4 of the Small Vessel General Permit (sVGP). IEPA's 401 Certifications must assure that Illinois Pollution Control Board (IPCB) water quality standards, including antidegradation, will not be exceeded by the proposed discharges. Illinois currently regulates marine discharges through IPCB regulations at 35 Ill. Adm. Code Part 308. The USEPA proposed general permits regulate additional specific wastestreams that are not currently covered by existing Illinois regulations. As discharge of sewage is not covered by the proposed general permit, Parts 304 and 308 of the IPCB's regulations will apply to such discharges.

Identification and Characterization of the Affected Water Body.

The proposed general permits would usually affect vessels in the Illinois portion of Lake Michigan. Other waters that support inter-waterway barge traffic could also be affected, albeit less frequently, when covered vessels are found on these waters. These waters include the Mississippi River, the Ohio River, the Kaskaskia River from its confluence with the Mississippi River to Fayetteville, and the Illinois Waterway, which includes the Chicago Ship and Sanitary Canal, the Calumet Sag Channel, the Little Calumet River from its junction with the Grand Calumet River to the Calumet Sag Channel, the Grand Calumet River, the Calumet River, Lake Calumet, the South Branch of the Chicago River, the North Branch of the Chicago River from its confluence with the North Shore Channel to its confluence with the South Branch, the North Shore Channel, the Des Plaines River from its confluence with the Chicago Ship and Sanitary Canal to its confluence with the Illinois River and the Illinois River. These rivers, channels and canals have in common characteristics that make them navigable by commercial vessels including barge tows, some of which may include vessels that qualify under these general permits. These waters have depths maintained by dredging to support this traffic.

Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses.

Wastewater discharges allowed under the proposed general permits may potentially contain a wide variety of pollutants. Much of this is from vessels which are currently in the affected water bodies. Given the technology based and water quality standards based controls imposed by the proposed general permits, pollutant loading will decrease from these vessels. New vessels may travel to Illinois waters but will be subject to this permit. If vessel traffic increases over current levels, new loading will occur and this loading is evaluated in this assessment. An issue of particular importance is aquatic nuisance species. One goal of the proposed general permit is to prevent further infestation from these species. Other pollutants are: nutrients, pathogens, oil and grease, metals, toxic non-conventional and other non-conventional and conventional pollutants. All of these pollutants are covered under IPCB's 35 Ill. Adm. Code Part 302, the water quality standards in Illinois. While the proposed general permit includes technology based restrictions on the discharge of these pollutants, some increase in loading is possible under some circumstances based on whether the vessel is considered an existing source or not.

Fate and Effect of Parameters Proposed for Increased Loading.

Most of the increases in pollutant loading will not be significant and therefore are not anticipated to be of consequence to the uses of the water body. All of the discharges will be temporary in nature. The chemical constituents from these discharges, given the prohibition against exceeding water quality standards in the discharges covered under the proposed general permits will not create significant water quality issues. The prevention of biological contamination (aquatic nuisance species) will protect Illinois waters from future invasive species.

Purpose and Anticipated Benefits of the Proposed Activity.

The proposed general permits will regulate certain types of discharges from vessels plying the listed waters of the State. A level of protection, not formally in force (aquatic nuisance species), will be enforced. In general, waters will be given a higher degree of protection from many types of pollutants under this proposed permit.

Assessments of Alternatives for Less Increase in Loading or Minimal Environmental Degradation.

The proposed general permits explore alternatives through the establishment of technology based limits and best management practices. For several wastewaters, the vessel must confirm that disposal on shore, such as to a publicly owned treatment works, is not feasible before discharge to waters of the State is authorized. Several of the wastewaters that would be allowed under the proposed general permit are not suitable for Illinois waters and are prohibited by conditions of the Illinois 401 water quality certifications.

Lake Michigan Antidegradation Provisions

Lake Michigan water quality standards contain an antidegradation regulation that prohibits new discharges of bioaccumulative chemicals of concern (BCCs) without following specific procedures to justify the increase. The Illinois 401 water quality certifications will contain a clause that prohibits measurable levels of BCCs in wastewaters discharged under the proposed general permit.

Agency Conclusion.

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard). We tentatively find that the proposed activity will result in the attainment of water quality standards; that all existing uses of the receiving waters will be maintained; that all technically and

economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity; and that this activity will benefit the community at large by controlling new invasive species. Comments received during the 401 water quality certification public notice period will be evaluated before a final decision is made by the Agency.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

217/782-0610

***** DRAFT *****

Ms. Tinka Hyde
Director, Water Division
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: NPDES Small Vessel General Permit – Discharges Incidental to the Normal
Operation of Vessels Less Than 79 Feet
Section 401 Certification

Dear Ms. Hyde:

The Illinois Environmental Protection Agency (IEPA) has reviewed the United States Environmental Protection Agency's Draft National Pollutant Discharge Elimination System (NPDES) general permit for Discharges Incidental to the Normal Operation of Vessels Less Than 79 Feet (Small Vessel General Permit) pursuant to certification under Section 401 of the Clean Water Act. The Small Vessel General Permit as drafted covers discharges from any non-recreational, non-military vessel less than 79 feet in length, as defined in the permit, that take place within all waters of the State of Illinois.

The Illinois Environmental Protection Agency hereby Certifies that the draft Vessel General Permit will comply with Illinois Water Quality Standards pursuant to Section 401 of the Clean Water Act. This certification is issued subject to the following conditions:

1. Discharges of wastestreams containing Bioaccumulative Chemicals of Concern (BCC's) from vessel covered by the Small Vessel General Permit shall be consistent with the provisions of 35 Ill. Adm. Code 302.520, 302.521, and 302.530.
2. No effluent from any vessel covered by the Small Vessel General Permit shall contain settleable solids, floating debris, visible oil, grease, scum, or sludge solids pursuant to 35 Ill. Adm. Code 304.106. Color, odor, and turbidity must be reduced to below obvious levels, pursuant to 35 Ill. Adm. Code 304.106.
3. The discharge from any vessel covered by the Small Vessel General Permit shall be free from any substances or combination of substances in concentrations toxic or harmful to human health, or to animal, plant or aquatic life, pursuant to 35 Ill. Adm. Code 302.210, 302.410, and 302.540.

4. No bilge or ballast water from vessels covered by the Small Vessel General Permit which fails to meet the effluent standards of Part 304 shall be discharged to waters of the State pursuant to 35 Ill. Adm. Code 308.103.
5. If ballast water treatment technologies, standards or limitations are adopted, approved or revised by the USEPA, the U.S. Coast Guard, or other duly authorized Federal Agency or multi-national governing body, and incorporated into the Vessel General Permit, the IEPA will review the new or modified Vessel General Permit to ensure compliance with applicable Illinois laws and regulations. Based on that review, the Agency will waive, modify the existing certification, or issue a new certification pursuant to Section 401 of the Clean Water Act.
6. Any discharge of sewage from a vessel shall comply with 35 Ill. Adm. Code Part 308 – Disposal of Wastes from Watercraft.
7. If the IEPA determines that vessel discharges covered by the Small Vessel General Permit cannot comply with the conditions of this certification or the Illinois Water Quality Standards, then this certification may be amended to include different limitations, conditions, or requirements which are consistent with applicable laws, regulations, or judicial orders. The Agency will public notice any proposed amendments to this certification.
8. The issuance of this certification pursuant to Section 401 of the Clean Water Act does not release any dischargers from responsibilities or liabilities for past or future violations of federal, state or local laws or regulations, nor does it release any potential dischargers from the responsibility of obtaining permits, including any from the IEPA, or other approvals from other units of government as may be required by law.

Should you have any questions or comments regarding the content of this certification, please contact me or Darin LeCrone of my staff at the address above, or by phone at 217/782-0610.

Sincerely,

Alan Keller, P.E.
Manager, Permit Section
Division of Water Pollution Control



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***** DRAFT *****

Ms. Tinka Hyde
Director, Water Division
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: NPDES Vessel General Permit – Discharges Incidental to the Normal Operation
of Vessels
Section 401 Certification

Dear Ms. Hyde:

The Illinois Environmental Protection Agency (IEPA) has reviewed the United States Environmental Protection Agency's Draft National Pollutant Discharge Elimination System (NPDES) general permit for Discharges Incidental to the Normal Operation of Commercial and Large Recreational Vessels (Vessel General Permit) pursuant to certification under Section 401 of the Clean Water Act. The Vessel General Permit as drafted covers all discharges from commercial and large recreational vessels, as defined in the permit, that take place within all waters of the State of Illinois.

The Illinois Environmental Protection Agency hereby Certifies that the draft Vessel General Permit will comply with Illinois Water Quality Standards pursuant to Section 401 of the Clean Water Act. This certification is issued subject to the following conditions:

1. Discharges of wastestreams containing Bioaccumulative Chemicals of Concern (BCC's) from vessel covered by the Vessel General Permit shall be consisted with the provisions of 35 Ill. Adm. Code 302.520, 302.521, and 302.530.
2. All discharges to Waters of the State from vessels covered by the Vessel General Permit shall not cause a violation of Illinois Water Quality Standards, as found at 35 Ill. Adm. Code Part 302 or effluent standards, as found at 35 Ill. Adm. Code Part 304.
3. No effluent from any vessel covered by the Vessel General Permit shall contain settleable solids, floating debris, visible oil, grease, scum, or sludge solids pursuant to 35 Ill. Adm. Code 304.106. Color, odor, and turbidity must be reduced to below obvious levels, pursuant to 35 Ill. Adm. Code 304.106.

4. Any vessel covered by the Vessel General Permit discharging ballast water treatments systems using chlorine in any of its forms, shall not exceed the acute water quality standard for Total Residual Chlorine of 0.019 mg/l or the chronic water quality standard for Total Residual Chlorine of 0.011 mg/l, pursuant to 35 Ill. Adm. Code 302.208. In order to demonstrate compliance with the water quality standards above, the discharge of Total Residual Chlorine shall not exceed the laboratory quantification level of 0.05 mg/l using test methods equivalent in accuracy to amperometric titration. The usage of other biocides shall not cause a violation of applicable water quality standards and shall not be discharged in concentrations considered toxic or harmful to aquatic life, pursuant to 35 Ill. Adm. Code 302.210, 302.410 and 302.540.
5. The discharge from any vessel covered by the Vessel General Permit shall be free from any substances or combination of substances in concentrations toxic or harmful to human health, or to animal, plant or aquatic life, pursuant to 35 Ill. Adm. Code 302.210, 302.410, and 302.540.
6. No bilge or ballast water from vessels covered by the Vessel General Permit which fails to meet the effluent standards of Part 304 shall be discharged to waters of the State pursuant to 35 Ill. Adm. Code 308.103.
7. If ballast water treatment technologies, standards or limitations are adopted, approved or revised by the USEPA, the U.S. Coast Guard, or other duly authorized Federal Agency or multi-national governing body, and incorporated into the Vessel General Permit, the IEPA will review the new or modified Vessel General Permit to ensure compliance with applicable Illinois laws and regulations. Based on that review, the Agency will waive, modify the existing certification, or issue a new certification pursuant to Section 401 of the Clean Water Act.
8. Any discharge of sewage from a vessel shall comply with 35 Ill. Adm. Code Part 308 – Disposal of Wastes from Watercraft.
9. If the IEPA determines that discharges covered by the Vessel General Permit cannot comply with the conditions of this certification or the Illinois Water Quality Standards, then this certification may be amended to include different limitations, conditions, or requirements which are consistent with applicable laws, regulations, or judicial orders. The Agency will public notice any proposed amendments to this certification.
10. The issuance of this certification pursuant to Section 401 of the Clean Water Act does not release any dischargers from responsibilities or liabilities for past or future violations of federal, state or local laws or regulations, nor does it release any potential dischargers from the responsibility of obtaining permits, including any from the IEPA, or other approvals from other units of government as may be required by law.

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