



**NOTIFICATION**

*Addendum*

The following communication, dated 10 October 2024, is being circulated at the request of the delegation of the United States of America.

**Title:** Vessel Incidental Discharge National Standards of Performance

| <b>Reason for Addendum:</b>         |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | Comment period changed - date:   |
| <input type="checkbox"/>            | Notified measure adopted - date:   |
| <input checked="" type="checkbox"/> | Notified measure published - date: 9 October 2024  |
| <input checked="" type="checkbox"/> | Notified measure enters into force - date: 8 November 2024   |
| <input checked="" type="checkbox"/> | Text of final measure available from <sup>1</sup> :<br><a href="https://members.wto.org/crnattachments/2024/TBT/USA/final_measure/24_06720_00_e.pdf">https://members.wto.org/crnattachments/2024/TBT/USA/final_measure/24_06720_00_e.pdf</a> |
| <input type="checkbox"/>            | Notified measure withdrawn or revoked - date:<br>Relevant symbol if measure re-notified:   |
| <input type="checkbox"/>            | Content or scope of notified measure changed and text available from <sup>1</sup> :<br>New deadline for comments (if applicable):  |
| <input type="checkbox"/>            | Interpretive guidance issued and text available from <sup>1</sup> :  |
| <input type="checkbox"/>            | Other:   |

**Description:** The U.S. Environmental Protection Agency (EPA) is promulgating a regulation under the [Vessel Incidental Discharge Act \(VIDA\)](#) that establishes Federal standards of performance for marine pollution control devices for discharges incidental to the normal operation of primarily non-Armed Forces and non-recreational vessels 79 feet in length and above into the waters of the United States or the waters of the contiguous zone. The Federal standards of performance were developed in coordination with the U.S. Coast Guard (USCG) and in consultation with interested Governors. The final standards, once made final, effective, and enforceable through corresponding USCG regulations addressing implementation, compliance, and enforcement, will control the discharge of pollutants from vessels described above and repeal certain existing Federal, State, and local vessel discharge requirements, thus streamlining regulation of such vessel incidental discharges. EPA is also promulgating procedures states must follow if they choose to petition EPA to require the use of an emergency best management practice to address aquatic nuisance species (ANS) or water quality concerns ("emergency order"), to review any standard of performance, regulation, or policy, to

<sup>1</sup> This information can be provided by including a website address, a pdf attachment, or other information on where the text of the final/modified measure and/or interpretive guidance can be obtained.

request additional requirements with respect to discharges in the Great Lakes, or to apply to EPA to prohibit one or more types of vessel discharges regulated by this rule into specified waters to provide greater environmental protection.

The effective date of this rule is 8 November 2024. The Federal standards of performance, however, become effective beginning on the date upon which the regulations promulgated by the Secretary pursuant to CWA section 312(p)(5) governing the implementation, compliance, and enforcement of the Federal standards of performance become final, effective, and enforceable. Per CWA section 312(p)(3)(c), as of that date, the requirements of the VGP and all regulations promulgated by the Secretary pursuant to section 1101 of the NANPCA (16 U.S.C. 4711) (as in effect on 3 December 2018), including the regulations contained in subparts C and D of 33 CFR part 151 and 46 CFR 162.060 (as in effect on 3 December 2018), shall be deemed repealed and have no force or effect. Similarly, as of that same date, any CWA section 401 certification requirement in Part 6 of the VGP, shall be deemed repealed and have no force or effect.

89 Federal Register (FR) 82074, [Title 40](#) Code of Federal Regulations (CFR) Part 139:

<https://www.govinfo.gov/content/pkg/FR-2024-10-09/html/2024-22013.htm>

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This final rule and previous actions notified under the symbol [G/TBT/N/USA/1663](#) are identified by Docket Number EPA-HQ-OW-2019-0482. The Docket Folder is available on Regulations.gov at <https://www.regulations.gov/docket/EPA-HQ-OW-2019-0482/document> and provides access to primary and supporting documents as well as comments received. Documents are also accessible from [Regulations.gov](#) by searching the Docket Number.

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