



Fish News

April 29, 2008

Update: NPDES Permit for Commercial Fishing Vessels

NPDES LITIGATION

The Environmental Protection Agency (EPA) appealed the NPDES ruling in late 2007 and expects a decision by the 9th Circuit Court any day now. In the meantime, EPA officials are proceeding under the assumption that they will need to issue 13 million NPDES (National Pollutant Discharge Elimination System) permits by September 30, 2008. They are currently developing the new permit system for commercial fishing vessels. **The size of the vessel, where it fishes, and what species it targets does not matter.**

NPDES PERMIT SYSTEM DEVELOPMENTS

The EPA is developing a general discharge permit for commercial fishing vessels regardless of size for discharges within state waters. If the court appeal is unsuccessful and a legislative fix is not realized, the EPA will expedite the process and have a general permit ready on September 30, 2008. The EPA expects to publish a proposed permit in the Federal Register in late May. There will be a 45-day comment period. There will be 3 public hearings in June: Chicago, Portland, Oregon and in Washington, DC. These



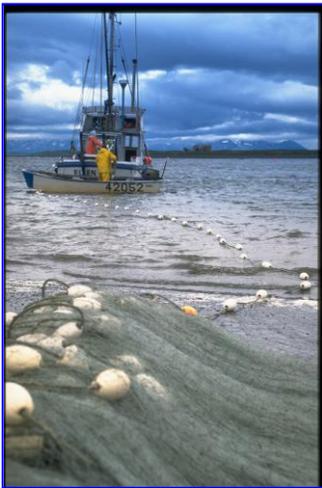
meetings and written comments are the methods by which you can address all proposed permit issues. Since this is an entirely new permit, the EPA is open to working with the industry. Those vessels operating with RSW systems should be sure to work on that issue during this permit

development process to ensure it is covered (i.e. not considered a ballast water discharge) if it occurs within state waters.

An issue of concern involves individual states. Each state will conduct a formal 401 Certification of the proposed EPA permit. Each state has the right to accept/waive or otherwise augment the EPA permit.

This new NPDES permit will be subject to the current penalty schedule -- \$32,000 per incident and enforcement officials have discretion when setting the fine.

STATUS OF CONGRESSIONAL FIX



The Congressional battle continues to find a legislative solution to this issue. The main objective for the commercial fishing industry is to re-instate the 30-year exemption for these discharges (rain water on deck, galley water, gray/stick water, coolant water, bilge pump discharge, etc.) but that is proving easier said than done. Several bills are in play in both the House & Senate, but none appear to have the legs necessary to be passed. The Boxer-Nelson bill (S.2677) and the Stevens-Inouye bill (S.2645) appear to be the most prominent legislation at this time. Senators Boxer and Nelson may try to move S. 2677 in the near term, and they have added numerous co-sponsors in the past few months. The comprehensive fix in the House was introduced by Rep. Don Young of Alaska (H.R. 5594) and co-sponsored by Rep. LoBiondo (R-NJ) and Rep. Walter Jones (R-NC).

RECOMMENDATIONS

Those of you interested should continue to educate your Congressional offices about the need for a comprehensive fix that reinstates the prior exemption for covered discharges for ALL sectors, not just for pleasure boat and sport fishing interests. Urge your Members of Congress and their staff to support the Stevens & Young bills as good starting points.

[Visit this link for background info](#)

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