

New York State Department of Environmental Conservation

Assistant Commissioner

Office of Water Resources, 14th Floor

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Joe Martens
Acting Commissioner

FEB 16 2012

Re: New York State DEC Division of Water
EPA VGP CWA 401 Certification Conditions
Vessel Extension Letter
Condition 2 Ballast Water

Dear Sir or Madam:

The New York State Department of Environmental Conservation (Department) has reviewed ship owners' request for an extension to the implementation date for Condition 2, 3, 4 and 5 of New York's Clean Water Act 401 Water Quality Certification (WQC) to the Environmental Protection Agency's (EPA's) 2008 Vessel General Permit (VGP). New York's WQC is incorporated into the VGP by reference.

After a review of the requests for extension, the Department has determined that the information provided by the ship owners has demonstrated that:

- 1 There is a shortage in supply of the technology necessary to meet the limits set forth in the certificate, or a vessel-specific engineering constraint, or other factor related to the availability and installation of technology beyond the vessel owner/operator's control, that delays the technology being available and installed in time to comply with this standard; and/or
- 2 The unavailability of supply or installation constraint is the only reason the compliance deadlines cannot be met; and/or
- 3 The vessel has exhausted all other options to comply with these standards.

The Department remains concerned about the economic and ecological impacts of aquatic invasive species and untreated grey water and bilge water discharges, including their negative impacts on the fish and wildlife resources of New York and other states. Consistent with its December 17, 2008 statement in the WQC the Department finds an ongoing need for discharge standards that will reduce these ecological and economic impacts in a way that meets the requirements of federal and state law, including state water quality standards. The economic disruption to communities just from the zebra mussel alone has already cost billions of dollars. The effects of other invasive species such as the round goby, spiny flea and Asian shore crab continue to threaten the economic vitality of the fishing and recreational waters of New York and the Great Lakes.

For the reasons set forth above, by copy of this letter, the Department extends the implementation date for your vessel(s), and all other similarly situated vessels, to comply with

Condition 2, 3, 4 and 5 of New York's WQC to midnight December 19, 2013. Specifically, the extension applies to the compliance deadline for 1) ballast water discharge standards for existing vessels, 2) ballast water discharge standards for new vessels (constructed on or after January 1, 2013), 3) grey water discharge prohibition, and 4) bilge water discharge prohibition.

If you have any questions, please contact Don Tuxill at (518)402-8168. Thank you.

Sincerely,



James M. Tierney
Assistant Commissioner