



**WORLD SHIPPING COUNCIL**  
PARTNERS IN TRADE

**Comments of the  
World Shipping Council**

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**Before the  
Environmental Protection Agency**

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**In the Matter of**

**Request for Comments  
National Pollutant Discharge Elimination System Permits for  
Discharges Incidental to the Normal Operation of Vessels**

**EPA-HQ-OW-2007-0483  
72 Fed. Reg. 34241**

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**August 6, 2007**

# I. Introduction

The World Shipping Council (the “Council”) is a non-profit trade association of twenty-eight international liner shipping<sup>1</sup> ocean carriers, established to address public policy issues of interest and importance to the international liner shipping industry. Council Member lines include the full spectrum of carriers from large global operators to smaller niche carriers and offer container, roll-on/roll-off and car carrier service as well as a broad array of logistics services.<sup>2</sup> The Council’s Members transport over 90 percent of U.S. international container trade, providing efficient, reliable, and low-cost ocean transportation for America’s international trade. The liner shipping industry has invested over \$200 billion in the vessels, equipment, and marine terminals needed to create an efficient network to serve the global economy. Over 800 ocean-going liner vessels, mostly containerships, make more than 22,000 calls at ports in the United States each year -- more than 60 vessel calls a day. Today, U.S. commerce is served by more than 125 weekly container services, an increase of over 60% since 1999. Now more than 50,000 container loads of imports and exports are handled at U.S. ports each day. The liner shipping industry generates over a million American jobs and over \$38 billion of wages annually to American workers. This combined with other industry expenditures in the U.S. results in an industry contribution to U.S. GDP that exceeds \$100 billion per year. The industry provides the knowledge and expertise that built, maintains, and continually expands a global transportation network that provides seamless door-to-door delivery service for almost any commodity moving in America’s foreign commerce. The Council’s remarks to this June 21, 2007 request for comments (72 Fed. Reg. 34241) are focused on the above-described liner shipping segment of the industry.

The Council intervened on the side of the government as part of a maritime industry coalition in the Northwest Environmental Advocates lawsuit against the Environmental Protection Agency (EPA), where a judge in the Northern District of California ruled that the EPA violated the law by exempting ballast water discharges and “any other discharge incident to the normal operation of a vessel” from the National Pollutant Discharge Elimination System (NPDES) permitting process established under the Clean Water Act (CWA). The judge’s order gives EPA until September 30, 2008 to develop a new regulatory regime. The federal government (EPA and Department of Justice) appealed this decision. The maritime industry coalition, with the Council, also appealed in support of the government. The Council believes the federal district court decision is in error, but concurs with the EPA regarding the need to address this NPDES issue in light of the pending deadline, while remaining somewhat doubtful about the likelihood of full completion of this daunting task by the end of next September.

The Members of the Council have worked closely with the U.S. government to address the need for maritime environmental protection. The Council’s comments in this proceeding are made in a continued spirit of commitment to address these challenges

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<sup>1</sup> “Liner shipping” involves vessels engaged in regularly scheduled service to U.S. ports (e.g., ships leaving particular foreign ports for particular U.S. ports on a weekly schedule) in contrast to cargo vessels that call on U.S. ports for a particular voyage when hired (e.g., tanker and bulk shipping).

<sup>2</sup> A list of the World Shipping Council’s Member companies is provided as Attachment A.

with measures that are both meaningful and effective, and which continue to preserve the immense benefits that the American economy, American businesses and American consumers receive from the efficient and reliable flow of international maritime commerce.

With full support for the efforts of the U.S. government to protect the environment while ensuring the efficient flow of commerce, we offer the following comments to this proceeding.

## **II. Response to Request for Comments**

1. *What existing public and private data sources are available for use in identifying, categorizing, and describing the numbers and various types of commercial and recreational vessels currently operating in waters of the U.S. and that may have discharges incidental to their normal operation?*

For commercial vessels calling in U.S. ports, the U.S. Coast Guard, the Army Corps of Engineers (USACE), and the Maritime Administration (MarAd) are the best sources of data. The Coast Guard also registers domestic commercial vessels. For small vessels, state vessel registration data bases would provide useful information.

2. *What is the best way to inform vessel owners of the need to obtain NPDES permit coverage and what existing public and private data sources are available that will assist in identifying vessel owners and operators?*

In addition to Federal Register notices and press releases to maritime publications, we recommend that EPA work with the Coast Guard to disseminate this information through the numerous public advisory committees that the Coast Guard has established with different parts of the maritime industry.

3. *What existing public and private data sources are available that identify the types of normal operations onboard commercial and recreational vessels that give rise to discharges and the characteristics of such discharges?*

The document we have seen that does the best job of capturing typical vessel discharges would be the Uniform National Discharge Standards for Vessels of the Armed Forces (UNDS) list, compiled by the Navy and EPA for military vessel discharges. There are some obvious items that are not applicable to commercial operations, such as submarine discharges, but the majority of items are applicable to all vessels. A list of applicable UNDS discharges is attached as Attachment B.

4. *What existing information is available as to potential environmental impacts of discharges incidental to the normal operation of vessels?*

The UNDS documents are the best documents on this topic that we have seen.

5. *What international, federal, and state limitations or controls already exist on discharges incidental to the normal operation of vessels?*

There are several international conventions, such as the International Convention for the Prevention of Pollution From Ships (MARPOL) and the pending IMO ballast water convention, and federal laws that apply to discharges from vessels, many of which are mentioned in section IV of the Federal Register notice. In addition to CWA, OPA, MARPOL and its various implementing regulations, there are several state laws that deal with vessel discharges. The Coast Guard also has regulations that cover ballast water discharges. Several individual states, such as California, Alaska, Maryland, Washington, and Michigan, have ballast water regulations.

6. *What existing information is available on the types of pollution control equipment or best management practices currently used (or in active development), and what, if any, are the practical limitations on their use?*

For the items listed in UNDS, suggested control methods or best management practices are mentioned. The majority of these suggested methods or controls are applicable to or could be modified for commercial vessels.

Ballast water treatment technology has been in development for several years, with one technology having approval from the IMO. Information on these projects is available from the IMO's Marine Environmental Protection Committee (MEPC) via the Coast Guard. There is also a Guide to Ballast Water Treatment Technology that has recently been published by Lloyd's Register.

7. *What existing information is available as to commercial and recreational vessel traffic patterns?*

The best source of information as to where commercial vessels, greater than 300 tons, travel would be the Coast Guard's Notices of Arrival, port authorities and the local maritime exchanges. Port statistics are also available from the USACE and MarAd. When fully implemented, the Coast Guard's national Automatic Identification System (AIS) will show real-time vessel traffic in U.S. waters for vessels 65 feet or larger. AIS is currently operational in select ports. This system does not track vessels smaller than 65 feet.

### **III. Conclusion**

The World Shipping Council and its Members support the EPA's objective in this request for comments, but would note the almost impossible situation that the agency and the industry face. A federal district court decision, which is subject to very legitimate appeal as being erroneous, has repealed an exemption from the Clean Water Act that has existed for nearly 35 years.

The NPDES permit system was never designed for regulating vessels engaged in interstate and foreign commerce, many of which spend a very small percentage of their time within U.S. territorial waters. The numbers and variations in the kinds of discharges incidental to normal vessel operations are numerous, difficult to catalog and difficult to assess. Any potential future permitting should be done at federal level so as not to interfere with international commerce.

The Council and its Member lines are willing to work with the EPA to help it meet the court's September 30, 2008 deadline; however, we remain hopeful that the decision will be overturned on appeal or that Congress will provide legislative relief. Applying the NPDES permit process to this set of activities will subject the agency and the nation's maritime interests to an impossibly difficult set of challenges

The United States has the right and duty to protect its environment from pollution risks. At the same time, because it is the largest trading nation affecting economic activities around the globe, significant adjustments to its environmental laws should be undertaken in a manner that all of its government and commercial trading partners can clearly understand and reasonably adapt to when necessary. We hope these comments and suggestions are helpful.

## **Attachment A**

### **Member Companies of the World Shipping Council**

APL  
A.P. Møller-Maersk (including Maersk Line and Safmarine)  
Atlantic Container Line (ACL)  
China Ocean Shipping Company (COSCO)  
China Shipping Group  
CMA-CGM Group  
Compania Sud-Americana de Vapores (CSAV)  
Crowley Maritime Corporation  
Dole Ocean Cargo Express  
Evergreen Marine Corporation  
Great White Fleet  
Hamburg Sud (including Alianca)  
Hanjin Shipping Company  
Hapag-Lloyd Container Line  
Höegh Autoliners, Inc.  
Hyundai Merchant Marine Company  
Kawasaki Kisen Kaisha Ltd. (K Line)  
Malaysia International Shipping Corporation (MISC)  
Mediterranean Shipping Company (MSC)  
Mitsui O.S.K. Lines  
NYK Line  
Orient Overseas Container Line, Ltd. (OOCL)  
United Arab Shipping Company  
Wan Hai Lines Ltd.  
Wallenius Wilhelmsen Logistics  
Yangming Marine Transport Corporation  
Zim Integrated Shipping Services, Ltd.

## Attachment B

### UNDS DISCHARGE STREAMS ASSOCIATED WITH LINER VESSELS

#### 1. Applicable UNDS Discharges Requiring Control

Aqueous film-forming foam (AFFF)
Chain locker effluent
Clean ballast water
Controllable pitch propeller hydraulics
Deck runoff
Distillate & reverse osmosis brine
Elevator pit
Fire main
Gray water
Hull coating
Non-oily machinery wastewater
Oily water separator
Seawater cooling
Seawater bio-fouling
Small engine wet exhaust
Underwater husbandry

#### 2. Applicable UNDS Discharges Not Requiring Control

Boiler blow-down
Cathodic protection
Freshwater lay-up
Refrigeration & A/C condensate
Rudder bearing lubrication
Steam condensate
Stern tube seals/Underwater bearing lubrication