

Northwest Environmental Advocates – News Release

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EPA ISSUES NATIONAL VESSEL DISCHARGE PERMIT TEN YEARS AFTER ENVIRONMENTAL GROUPS REQUESTED ACTION

Starting today, ships discharging pollution, most notably invasive species, into the nation's waters are for the first time required to comply with a Clean Water Act permit. The permit was issued by the U.S. Environmental Protection Agency (EPA) late Thursday and comes nearly ten years after environmental organizations petitioned EPA to reverse a regulation shielding ships from the permitting requirements of the Clean Water Act. EPA denied the petition but the groups went to court and ultimately won.

Despite the significance of this regulatory action, the organizations that led the battle are displeased with the EPA permit. "We're ten years and two lawsuits down the road from our original petition asking EPA to protect our waters from invasive species discharged in ships' ballast water and we have little to show for it," said Nina Bell, Executive Director of Northwest Environmental Advocates, the lead organization to file the petition and subsequent lawsuits. "We are very disappointed, but frankly not surprised, that the Bush Administration EPA has passed up this tremendous opportunity to protect the country from invasive species."

Bell noted that despite the swift development of ballast water treatment technology, EPA's permit only requires ships to rinse their ballast tanks in the ocean. "EPA has ignored the existence of ballast water treatment technologies that meet international standards and even the much tougher California State standards by issuing a permit that only requires ships to rinse their

ballast tanks in the ocean. This ballast water exchange and salt water flushing is better than nothing but it's no substitute for the kind of treatment needed to kill invasive species," said Bell.

"For decades, shippers have been getting a free ride, polluting our nation's waters with invasive species that clog the intake pipes of drinking water facilities and power plants, harm the commercial fishing industry, and destroy habitat," said Bell. "It's time to reverse this travesty and protect American taxpayers, American businesses, and our environment, all of which are paying the huge price of EPA's continuing refusal to properly implement the Clean Water Act," she added.

The general permit issued by EPA regional offices automatically covers 26 types of discharges, such as oily bilge water and cruise ship wastes, from ships over 79 feet long. In addition to the permit requirements, States were given the opportunity to add conditions that reflect their own laws and regulations, as required by the Clean Water Act. In some instances these State certifications, such as those issued by California and New York, add significant conditions to the EPA permit, particularly concerning the discharge of invasive species in ballast water.

At the same time EPA issued the permit the agency asked the federal district court for, and was granted, a 48-day extension during which the shipping industry could evaluate how to comply. "We are stunned that EPA would go out of its way with the court to assist the shippers while categorically refusing to do anything to help the states issue their certifications," said Bell. She pointed to several states – Wisconsin, Oregon, and Washington – which were forced to waive their right to add conditions to the EPA permit. "EPA's poor handling of this process has created a great deal of ill will between EPA and its State partners," she added.

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