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February 21, 2012

Water Docket

Attn: Docket ID No. EPA-HQ-OW-2011-0141

Environmental Protection Agency

Mail Code: 4101T

1200 Pennsylvania Ave. NW

Washington, DC 20460

RE: Draft National Pollutant Discharge Elimination System (NPDES) General Permits for Discharges Incidental to the Normal Operation of a Vessel  
Docket ID No. EPA-HQ-OW-2011-0141, Comment on Proposed 2013 VGP  
Effect of Proposed 2013 VGP Will Likely Stifle Growth and Eliminate U.S. Jobs

Dear Ladies and Gentlemen:

This letter is to note my concern that one of the principal effects of the graywater management requirements for small cruise ships with 100-249 passenger/crew capacity in the above-referenced proposed 2013 Vessel General Permit (VGP) will be to overregulate and unduly burden small U.S. flag coastwise trade cruise ships carrying less than 250 overnight passengers and thereby stifle growth and eliminate U.S. jobs. This is not the time to impose another unnecessary burden on small businesses when our economy is already struggling to create jobs.

Extending to small U.S. flag coastwise trade cruise ships the stringent VGP graywater purification standards that may be appropriate for large foreign flag cruise lines creates an essentially impenetrable barrier to entry in coastwise overnight cruising – a market in which U.S. owners of small U.S.-flag cruise ships could otherwise compete. Small cruise ships are unable to retrofit the equipment required to meet the stringent graywater purification standards, i.e., the advanced wastewater treatment system (AWTS). While AWTS may be appropriate for large cruise ships which typically carry many hundreds if not thousands of passengers, the AWTS is too large and too heavy to install on already-built small cruise ships in the size range of under 250 passengers and presents major unsolved challenges to designing new cruise ships in that size range for coastwise trade on rivers, lakes and coastal waters.

The stringent VGP graywater purification standards appropriate to large cruise ships are not needed for small coastwise trade ships. These small cruise ships discharge much less graywater both because they carry only a small fraction of the number of passengers that large cruise ships carry and because unlike large cruise ships, they do not provide services and amenities that produce those toxic forms of graywater, such as swimming pools, photo labs, and drycleaners.

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The stringent graywater management requirements of the VGP stifle growth and eliminate jobs by presenting a serious if not impossible barrier to entry and competition in this segment of U.S. coastwise trade. These are U.S. jobs at risk for work on ships that are U.S. owned, U.S. built, U.S. manned, and supported by U.S. marine services. Instead of supporting our domestic economy, the VGP discriminates in favor of large cruise ships, essentially all of which sail under foreign flag. This is a policy not justified by the actual environmental impact of graywater discharge of these very small U.S. flag coastwise trade ships, nearly all of which are operated by "small entities" which are the backbone of our economy.

The EPA should amend the proposed 2013 VGP to be more practical and realistic. The EPA must not put such an undue burden on small U.S. flag cruise ships cruising in American coastwise trade. The best way to do this is to amend the graywater management requirements for small cruise ships with 100-249 passenger/crew capacity to a "best practices" standard.

Such an amendment would recognize the economic benefits of the U.S. flag coastwise cruise industry and the limitations of available technology, would bring the proposed 2013 VGP in line with leading state regulations, would more appropriately allocate the graywater management requirements in proportion to the amount of toxic graywater generated by the ships in question, and would remove the presently insurmountable barrier presented by the proposed VGP to small ship overnight cruising in America's rivers, lakes, and close coastal waters.

What is at stake is an industry segment that sails under U.S. flag and employs U.S. crew on ships built in the U.S. and owned by U.S. citizens. The adverse effect disregard of this industry segment will impact both on-board personnel, crew and stewards and other onboard employees, and also land-based employees of U.S. shipbuilders and the many vendors that service and supply the U.S. flag fleet.

One of these shipbuilders in my district, for instance, is Chesapeake Shipbuilding Corp., which builds for this smaller, U.S. flag overnight passenger coastwise trade vessel class and is a significant employer in the Salisbury, Maryland area. Our current economy cannot afford to stifle growth and eliminate jobs when it is not necessary to do so.

Please consider amending the graywater management requirements proposed 2013 VGP for these small coastwise cruise ships to a "best practices" standard which more adequately balances the business concerns of small cruise ship operators with the important public goals of environmental protection.

Thank you for your consideration.

Sincerely,



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Member of Congress