



USCG's Ballast Water Regulatory Program

Public Meeting: Draft NPDES
Permitting Program

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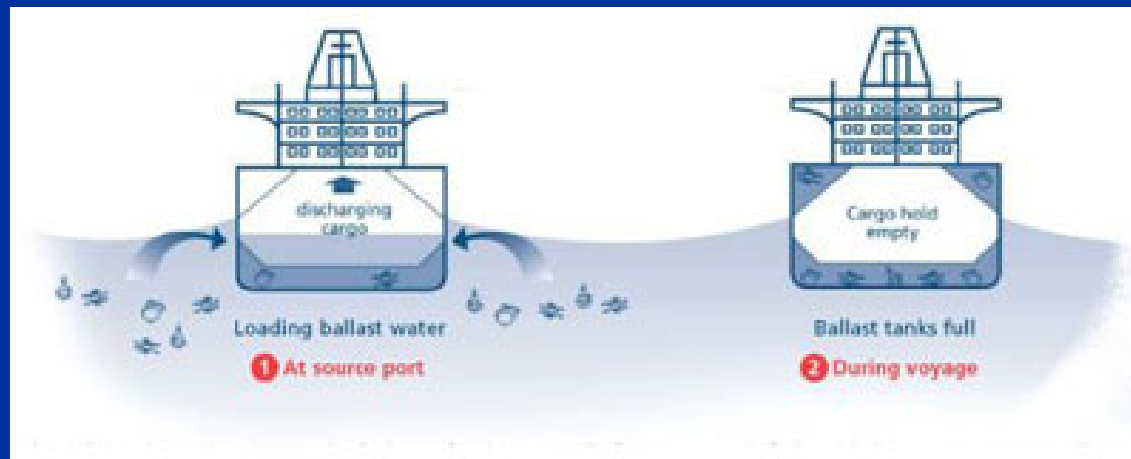


Presentation Overview

- Background info: Current legs and regs
- Ballast water discharge standard
proposed rulemaking
- Supporting Analyses
- Ballast Water Legislation



What is ballast?





Vessel-mediated Invasions





Invasion Impacts



Photograph by Peter Hatas, Ann Arbor



Photograph by Edwin C. Maxwell,
Pennsylvania State University at Erie



Great Lakes Legislation

- Nonindigenous Aquatic Nuisance Prevention Control Act of 1990 (NANPCA)
 - BWM regulations established for the Great Lakes in 1993
 - Extended to the Hudson River in 1994



Great Lakes Regulations

■ All vessels inbound from outside EEZ carrying BW must use one of the following:

- Exchange
- Retain
- Treat

■ Vessels unable to exchange cannot discharge





U.S. Legislation

- National Invasive Species Act of 1996 (NISA):
 - The National Ballast Information Clearinghouse established in 1997
 - Regulations for National Voluntary Guidelines established in 1999
 - Regulations finalized in 2001
 - Report to Congress of 2002



Regulations Implemented in 2004

- Penalties for Non-submission of Ballast Water Reports:
 - Expanded Reporting/recordkeeping requirements
 - Up to \$27,500 and 12 years in prison for non-compliance
 - Includes non-compliance w/the Great Lakes and National BWM Program

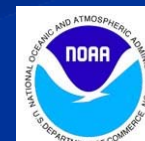


Regulations Implemented in 2004 (cont'd)

- National Ballast Water Management Program:
 - Vessels that operated outside the U.S. EEZ must employ one of the following BWM method:
 - Ballast Water Exchange
 - Retain Ballast Water Onboard
 - USCG Approved Method
 - All vessels must conduct best management practices (clean tanks, sediment removal, etc.)
 - All vessels must have a BWM Plan

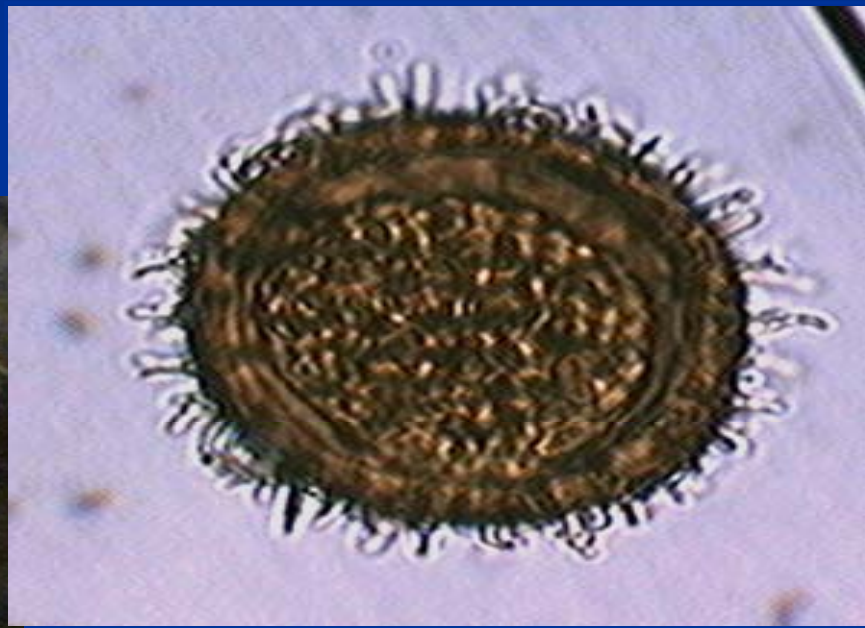


NOBOB does not mean no risk of invasion!





What are NOBOBs carrying?





NOBOB Policy Development

- Former NY Attorney General and Governor Files Petition for NOBOB rulemaking in July 2004
- Coast Guard solicits public comments and holds technical workshop in May 2005
- Coast Guard publishes NOBOB Policy in August 2005



NOBOB Policy of 2005

BMPs for NOBOB vessels:

- Vessels to conduct BWE prior to entering the Great Lakes
- Vessels should conduct saltwater flushing when possible
- Report the use of these practices to the Coast Guard

One year of man-hours lost



Why do we need a standard?

- Issues with Ballast Water Exchange:
 - Voyage constraints/effectiveness
- Benchmark to approve BWM Systems
 - Easier to compare to than BWE
 - Should increase the level of prevention against NIS introductions
- NISA gives us all the authority we need to establish a standard



Standard Development History

- Federal Register Notice (2001)
 - 4 options for setting standards
- ANPRM (2002) solicited comments on goals and standards
- Expert Panel Workshops (2001-2003)
- International Maritime Organization (2004)



Standard Development History (cont'd)

Expert Panels and workgroup:

- Looked at percentage removal of organisms
- Decided on a concentration of organisms per volume of ballast water based on sizes of organisms.

International Maritime Organization:

- Adopted the BWM Convention in 2004



Elements of the Rulemaking

The BWD Standard rulemaking would:

- Set a concentration-based standard (# of organisms/volume of ballast water)
- Issue an implementation schedule, vessel applicability, legal and regulatory exemptions
- Accounts for BWMS in other programs (IMO, CA, research programs)



BWD Standard Rulemaking (cont'd)

- Be used to approve BWT technologies for:
 - Biological Efficacy (testing requirements)
- Must *ALSO* meet Engineering and Operational Requirements (46 CFR)
 - Approval of Electrical, Engineering and Piping Equipment
 - Requirements for recognized laboratories
- Meet FIFRA requirements



Supporting Analyses

- Environmental Analysis:
 - Under NEPA, assess reasonable and prudent alternatives to the proposed action(s)
 - Identify and analyze environmental impacts
 - By setting a standard, what is the probability of an invasion occurring
 - Draft Programmatic Environmental Impact Statement



Supporting Analyses (cont'd)

- Considerable Cooperating Agency input & review: **EPA***, NOAA, FWS, and APHIS
- Modeling input by Dr. Andy Solow (WHOI)
- Expert review committee:
 - Jim Carlton (Williams College)
 - Cabell Davis (WHOI)
 - David Smith (Smith College)
 - Carlton Hunt (Battelle)

Supporting Analyses cont'd

- Assess cost and benefits (E.O. 12866)
 - Costs of installing and operating BWMS
 - Costs of testing BWMS
 - Benefits to the environment
- Regulatory Flexibility Act
 - Economic impacts to small businesses





Legislative Update

- In 2007, at least 10 pieces of ballast water legislation were introduced or drafted
- H.R. 2830 Coast Guard Authorization Act
 - Coast Guard issued a press release
 - White House issued a statement
- S. 1578 Ballast Water Management Act of 2007
 - The White House submitted views letter w/an “Administrative proposal”



Legislative Update (cont'd)

- The Administrative proposal:
 - Addresses court order requiring EPA to permit all vessel discharges
 - Sets the IMO std first, then the 100x more stricter std on a sliding schedule
 - States allowed to establish no-discharge zones subject to Federal Approval
 - States may petition us for review/revision of regulations and standards.



Other Regulated Vessel Discharges

MARPOL Annex	Pollution Prevention Category	Implementing Regs:
I	Oil	33 CFR 151, 155, 156, 157
II	Noxious Liquid Substances (NLS)	33 CFR 151
III	Harmful substances in packaged form	46 CFR 148 49 CFR 176
IV	Sewage	33 CFR 159
V	Garbage	33 CFR 151
VI	Air	None to date/ pending: MOC Policy Ltr 05-02



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