

2009 Summary of Great Lakes Seaway Ballast Water Working Group February 2010



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Chapter 1 – Executive Summary

The 2009 Summary of Great Lakes Seaway Ballast Water Management report was compiled by the Great Lakes Seaway Ballast Water Working Group (BWWG), comprised of representatives of the United States Coast Guard (USCG), the U.S. Saint Lawrence Seaway Development Corporation (SLSDC), Transport Canada - Marine Safety (TCMS), and the Canadian St. Lawrence Seaway Management Corporation (SLSMC). The group's mandate is to develop, enhance, and coordinate binational enforcement and compliance efforts to reduce the introduction of aquatic invasive species via ballast water. The BWWG is actively engaged and providing an energetic response to calls for tougher ballast water regulation of ocean-going vessels transiting the Seaway.

In 2009, 100% of vessels bound for the Great Lakes Seaway received a ballast tank exam. A total of 5450 ballast tanks, onboard 295 vessels, were sampled and had a 97.9% compliance rate. Vessels that failed to properly manage their ballast tanks were required to either retain the ballast water and residuals on board, treat the ballast water in an environmentally sound and approved manner, or return to sea to conduct a ballast water exchange. In addition, 100% of ballast water reporting forms were screened to assess ballast water history, compliance, voyage information and proposed discharge location. The BWWG anticipates continued high vessel compliance rates for the 2010 navigation season.

Today, ballast water management requirements in the Great Lakes and the St. Lawrence Seaway System are among the most stringent in the world. Mandatory ballast water regulations that include saltwater flushing, detailed documentation requirements, increased inspections, and civil penalties provide a comprehensive regulatory enforcement regime to protect the Great Lakes Seaway System. USCG regulations, and the Seaway no ballast onboard (NOBOB) regulation, require all vessels destined for Seaway and Great Lakes ports from beyond the exclusive economic zone (EEZ) to exchange all their ballast tanks at sea. As a result, the risk of a ballast water mediated introduction of aquatic invasive species into the Great Lakes has been mitigated to extremely low levels.

Chapter 2 – Joint Ballast Water Management

Ballast Water Management on the Great Lakes Seaway System

Regulations protecting the Great Lakes Seaway system include Ballast Water Control and Management Regulations under the Canada Shipping Act, USCG ballast water regulations pertaining to vessels equipped with ballast tanks, Best Management Practices for NOBOB vessels entering the U.S., and the St. Lawrence Seaway's NOBOB requirements. These regulations apply to all vessels entering waters under Canadian and U.S. jurisdiction from outside the Canadian EEZ and apply to vessels on both oceanic and coastal voyages. Loaded vessels with residual sediments are required to flush their tanks with water of a salinity equivalent to ballast exchange. Federal regulations call for vessels to conduct mid-ocean ballast water exchange during ballast laden voyages in an area 200 nautical miles (nm) from any shore. For vessels unable to conduct mid-ocean ballast exchange due to stability concerns, they are asked to conduct saltwater flushing of their empty ballast water tanks in an area 200 nm from any shore whenever possible. Salt water flushing is defined in U.S. policy as the addition of mid-ocean water to empty ballast water tanks; the mixing of the flush water with the residual water and sediment through the motion of the vessel; and the discharge of the mixed water, such that the resultant residual water is as high salinity as possible, preferably greater than 30 parts per thousand (ppt).

St. Lawrence Seaway NOBOB Requirement

The U.S. and Canadian St. Lawrence Seaway agencies enacted new requirements effective at the start of the 2008 navigation season that require vessels to conduct saltwater flushing of ballast tanks that contain residual amounts of ballast water and/or sediment in an area 200 nm from any shore before entering waters of the Seaway. Vessels must also maintain the ability to measure salinity levels in each tank onboard so that final salinities of at least 30 ppt can be ensured.

The overall goal of the inspection program was to inspect each vessel entering the system from outside the EEZ on every transit and increase the number of tanks tested. All four agencies committed resources to accomplishing the additional work required to carry out the increased tank inspection program.

Transport Canada Requirements

Transport Canada (TC) Quebec region monitors all traffic entering the Gulf of St. Lawrence from outside the Canadian EEZ bound for regional ports as well as the St. Lawrence Seaway/Great Lakes Ports on a 12 month basis.

Challenges experienced by TC in achieving ballast water management compliance for the Seaway/Great Lakes related to changes in vessel crews, exchange of information with vessels, vessel agents and/or owners, reviewing over 3335 ballast water reports

from 2169 vessels and addressing vessel deviations from coastal vessels in order to meet Great Lakes ballast water management regulations.

All information collected by TC was forwarded to the University of Windsor for analysis and support of ongoing ballast water compliance projects.

U.S. Coast Guard Discharge Standard

The Coast Guard is proposing a two-phase standard for the allowable concentration of living organisms in vessels' ballast water discharged in U.S. waters. This rulemaking is being carried out under the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA), as reauthorized and amended by the National Invasive Species Act of 1996 (NISA). These statutes authorize the Coast Guard to approve alternative ballast water management systems (BWMS) that are found to be at least as effective as mid-ocean ballast water exchange (BWE) in preventing non-indigenous species introductions. As the effectiveness of ballast water exchange varies from vessel to vessel, the Coast Guard believes that setting a performance standard is the most effective way for approving BWMS that are environmentally protective and scientifically sound.

The public comment period has been completed; the Coast Guard is drafting responses to comments and preparing the final rulemaking for publication.

This proposed rulemaking and all submitted comments can be found at: <http://www.regulations.gov>. In Search, enter docket number USCG-2001-10486.

Chapter 3 – Results of Ballast Management Exams

Ballast Water Reporting Form

Vessels bound for the Great Lakes from outside the EEZ are required to submit a ballast water reporting form before entering Canadian waters and again 24 hours prior to entering the St. Lawrence Seaway. The vessel lists voyage information, ballast water usage/capacity, ballast water management method, ballast water sources, ballast water management practices, and proposed discharge location.

- ***100% of ballast water reporting forms were screened to assess ballast water history, compliance, and intentions.***

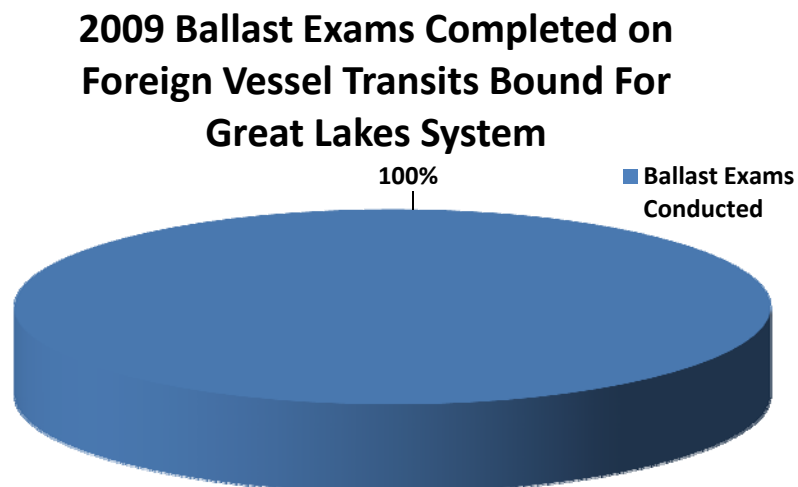
Ballast Water Management Exams

The Joint Ballast Water Management Exam Program uses a comprehensive approach to vessel inspections. The inspection begins with a detailed review of ballast water reports, logs, records and ballast water management plans. The crew is interviewed to assess their understanding of the requirements of the vessel's Ballast Water Management Plan as well as answer questions on actual practices. Finally, ballast tanks are sampled for salinity or the presence of mud that would suggest a satisfactory management practice was not employed.

Vessel Inspection Totals

- ***295 (100%) of vessels bound for the Great Lakes Seaway from outside the EEZ received a ballast tank exam, compared with 99% in 2008 and 74% in 2007.***

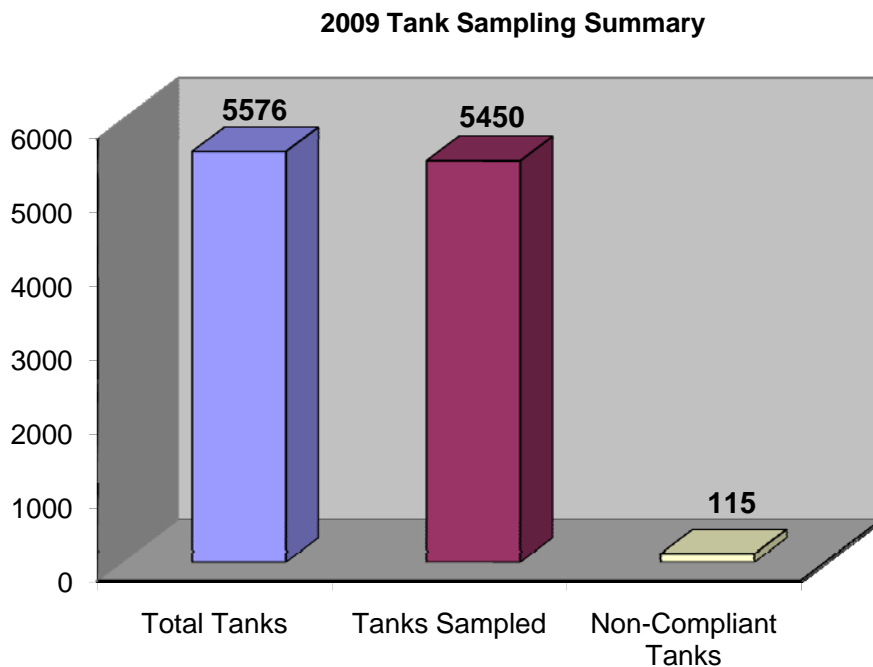
The chart below summarizes the total exams completed in 2009 by at least one of the four BWWG agencies.



Ballast Tank Sampling

Ballast water is typically found in wing tanks, double bottom tanks, peak tanks, and cargo holds. Access to these tanks is normally gained through vents, sounding tubes or hatches. Normal procedure calls for the inspector to utilize the sounding tube or vent for primary access. Manhole covers and hatches may be used if access cannot be gained access via a primary means. Ballast water salinity is checked using a hand held salinity refractometer or with an electronic meter. The results of the sampling are captured on a sampling report form created by the BWWG.

- ***Total ballast tanks assessed via sampling or administrative review 100%***
- ***Total tanks capable of carrying ballast water 5576***
- ***Total tanks physically sampled 5450***
- ***Total tanks evaluated by administrative measures 126***
- ***Total tanks tested satisfactorily 5335***
- ***Total non-compliant tanks 115 (53 vessels) all issued a Letter of Retention***
- ***Total compliant tanks 5461 representing 97.9%***



Chapter 4 – Enforcement and Regulatory Action

Regulatory Actions

Regulatory action is limited to the jurisdiction of each agency. Information exchanged between agencies ensures appropriate action is taken to address discrepancies. The various tools commonly used for discrepancies include education, a Letter of Warning, a Letter of Retention or a fine issued through a Notice of Violation.

Letters of Warning

A Letter of Warning is issued by U.S. Coast Guard or Transport Canada when a vessel is found with discrepancies in its ballast water management plan, records or reports. It is used for minor first time offenses with a warning of possible assessment of a fine if not corrected.

- ***Transport Canada issued 7 Letters of Warning.***

Letters of Retention

Vessels with noncompliant tanks that choose to retain, in lieu of another management option, are issued a Letter of Retention. When the vessel departs the system, compliance is verified and the Letter is rescinded. It is important to note that Letters of Retention were issued for some tanks that are not actually used for ballast water, but are listed in their system such as potable or cooling water tanks.

- ***BWWG agencies issued a Letter of Retention for 53 vessels.***
- ***Rather than retain non-compliant ballast water, 1 vessel chose to conduct an exchange in an approved alternate zone.***

Verification Boardings

Verification boardings are conducted on every outbound vessel issued a Letter of Retention. In 2009 all vessels issued a Letter of Retention were in compliance. Therefore, no unmanaged ballast water or sediment was released into the Great Lakes/Seaway system.

Notice of Violation

A Notice of Violation imposes a fine on a vessel for failure to comply with regulations. For example, U.S. Coast Guard fines associated with ballast water vary from \$500 to \$1000 for the first offense and may reach \$6,000 for repeated offenses. This year no Notices of Violation were issued.

Chapter 5 – Conclusion

For any regulatory regime to be effective, all the Great Lakes and the St. Lawrence Seaway must be treated as a single system. The only way to ensure consistent ballast discharge regulations across the Great Lakes Seaway System is to have strong federally mandated standards managed by unified federal agency coordination between Canada and the U.S. in partnership and consultation with the States and Provinces. These partnerships will help minimize the creation of a patchwork of inconsistent regulations, which would have a negative impact of vessel compliance and operation. Even worse, inconsistent regulations would effectively deter vessels from transiting or completing loading/unloading operations in some state waters. The current high effectiveness of ballast water exchange coupled with the BWWG's aggressive enforcement of current regulations and the high industry compliance rate should be seen as minimizing the urgency for state involvement in ballast water regulation.

The St. Lawrence Seaway is uniquely situated to prevent the further introduction of invasive species. With a central inspection point, situated outside of the Lakes, the ballast water tanks of all inbound vessels are inspected by both Canada and the United States. Joint vessel inspections by Transport Canada, the U.S. Coast Guard, and the U.S. and Canadian Seaway Corporations have been regularly conducted in Montreal. This inspection process, in place since 1997, has been successful in enhancing the operational and environmental security of the Great Lakes St. Lawrence Seaway System. Improvements are continually being made to the inspection programs to incorporate updated procedures and technology. All four agencies work cooperatively in a binational manner to address issues as they arise. The Seaway regulation harmonizes the ballast water requirements for vessels transiting the U.S. waters of the Seaway with those currently required by Transport Canada for transit in waters under Canadian jurisdiction of the Seaway. This regulation is intended to be an interim solution while the U.S. Coast Guard completes its ballast water discharge rulemaking, anticipated to be issued in the near future. The BWWG will continue its work to deter the introduction of aquatic invasive species in the Great Lakes using regulatory, technological, and management-based protocols. The agencies take the threat of invasive species very seriously and are dedicated to finding new answers to combat the problem.

Chapter 6 – Contributions

Members of the Ballast Water Working Group

U.S. Coast Guard, Ninth District would like to thank the following members of the Great Lakes Ballast Water Working Group and all the inspectors who contributed to the 2009 Joint Ballast Water Management Exam Program and to this final report.



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For further information on the Great Lakes Ballast Water Program, please visit the following:

The Seaway website: <http://www.greatlakes-seaway.com/en/environment/ballast-water/index.html>

The NBIC website: <http://www.hrw.com/science/si-science/biology/animals/marineinvasions/ballast.html>

The USCG website: <http://cgweb.comdt.uscg.mil/g-ms/g-mso/estandards.htm>

Transport Canada's website: <http://www.tc.gc.ca/en/menu.htm>

Appendix

A Historical Review:

1989:

In response to calls from the International Joint Commission and the Great Lakes Fishery Commission over the discovery of the Ruffe in Lake Superior, Canada established guidelines requesting all vessels entering the freshwaters of the St Lawrence River and the Great Lakes to exchange their ballast. The use of ballast water exchange was based on the effectiveness of Canadian studies undertaken by Environment Canada to protect the aquaculture facilities in the Magdalen Islands.

Early 1990's to 1997:

The U.S. Coast Guard established regulations based on the Canadian Guideline in 1993 under the authority of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA). Ballast Water on Board (BOB) vessels, are vessels that declare they have ballast tanks that contain ballast water. The U.S. Coast Guard started testing BOB vessels on a voluntary basis in 1991 and on a mandatory basis in 1993. The inspection process included boarding vessels between the two U.S. locks in Massena (Eisenhower and Snell) and testing the salinity of the ballast water to ensure salinity was at least 30 ppt. Ballast with a salinity of at least 30 ppt is considered evidence that the tanks have been adequately exchanged with seawater, providing a reasonably harsh environment for any remaining freshwater organisms.

1997 to Present:

The U.S. Coast Guard, Transport Canada and the Seaway Corporations developed a joint inspection program called the "Enhanced Seaway Inspection" (ESI) for foreign flag vessels, which covered applicable safety and environmental equipment onboard vessels and is conducted prior to the vessel's initial transit of the Seaway Great Lakes System.

During the vessel's ESI, a ballast tank inspection is conducted by one or more of the BWWG member agencies to ensure compliance with U.S., Canadian, and Seaway ballast regulations. The vessel's ballast tanks are sampled to verify compliance with all BWWG members' regulations.

2002 St. Lawrence Seaway Requirement:

The U.S. and Canadian Seaways instituted a requirement that all foreign flag vessels entering the Seaway Great Lakes System comply with the Best Management Practices of the Shipping Federation of Canada.

In addition, vessels that do not operate beyond the EEZ but do operate within the Great Lakes and Seaway (i.e., lakers) must agree to comply with the Voluntary Management

Practices to Reduce the Transfer of Aquatic Nuisance Species within the Great Lakes by U.S. and Canadian Domestic Shipping, dated January 26, 2001. These voluntary management practices require vessels to agree to regular inspections of ballast tanks and regular removal of sediment.

2004 U.S. Coast Guard National Mandatory Ballast Management Requirements

This final rule changed the national voluntary BWM program to a mandatory one, requiring all vessels equipped with ballast water tanks and bound for ports or places of the United States to conduct a mid-ocean BWE, retain their ballast water onboard, or use an alternative environmentally sound BWM method approved by the Coast Guard. Penalties were established for failure to comply with the reporting requirements located in 33 CFR part 151 and the applicability of the reporting and recordkeeping requirements were broadened to include a majority of vessels bound for ports or places of the United States.

2005 U.S. Coast Guard NOBOB Best Management Practices:

As a result of the National Oceanic and Atmospheric Administration (NOAA) and Great Lakes Environmental Research Laboratory (NOAA/GLERL) study published in April 2005 and the risks identified therein, the U.S. Coast Guard and Transport Canada Marine Safety inspectors began examining NOBOB vessels in conjunction with the ESI in May of 2005. In August 2005, the U.S. Coast Guard issued its “NOBOB Best Management Practices”. This policy recommends vessels conduct mid-ocean ballast water exchange whenever possible and if not possible, conduct mid-ocean salt water flushing. The goal of these practices is to raise the salinity level of residual, unpumpable ballast above 30 ppt. The increase in salinity reduces the likelihood of introducing aquatic nuisance species to the Great Lakes when the tanks are ballasted with Great Lakes fresh water at one port and deballasted in another Great Lakes port.

2006 Canadian Regulations:

Canada promulgated the Ballast Water Control and Management Regulations under the Canada Shipping Act in June of 2006. The regulations enact the IMO D1 requirements for ballast water exchange for any vessel entering waters under Canadian jurisdiction from outside Canada’s EEZ and include both trans oceanic and coastal voyages (BOB and NOBOB).

Additionally vessels coming from outside waters under Canadian jurisdiction, declaring no ballast on board, must ensure that the residual ballast water in tanks has been exposed to salinity conditions equivalent to ballast water exchange by complying with one of the following options:

- The residual ballast water came from ballast water that was properly exchanged at sea;
- The residual ballast water meets the international standard for treated ballast water;

- The vessel complies with sections 1, 2, 6 and 7 of the Code of Best Practices for Ballast Water Management of the Shipping Federation of Canada dated September 28, 2000, or;
- The vessel conducted a saltwater flushing at least 200 nm from shore.

Coastal Navigation information for either BOB or NOBOB: Ballast water that has been taken on board the vessel, outside of waters of Canadian jurisdiction, on Coastal or Non-Transoceanic Navigation shall be exchanged to meet the prescriptions of Canadian BWCMR section 7-which means that a Mandatory Deviation if required to meet minimum depth of 500 meters – In winter months Section 6. (3) may apply under exceptional circumstances.

2006 Ballast Water Working Group (BWWG):

The Great Lakes BWWG was formed in January 2006.

The mission of the BWWG is to harmonize ballast water management efforts between the U.S. Coast Guard, Transport Canada-Marine Safety, St. Lawrence Seaway Development Corporation and the St. Lawrence Seaway Management Corporation. The BWWG coordinates enforcement and compliance efforts for reducing aquatic nuisance species invasions via ballast water and residuals in the Seaway and Great Lakes.

2008 St. Lawrence Seaway NOBOB Requirement:

The U.S. and Canadian St. Lawrence Seaway agencies enacted new requirements effective at the start of the 2008 Navigation Season that requires vessels to conduct saltwater flushing of their ballast tanks that contain residual amounts of ballast water and/or sediment in an area 200 nm from any shore before entering waters of the Seaway. Vessels must also maintain the ability to measure salinity levels in each tank onboard so that final salinities of at least 30 ppt can be ensured.

All four agencies committed resources to accomplishing the additional work required to carry out the increased tank inspection program. The overall goal of the 2008 inspection program was to inspect each vessel entering the system from outside the EEZ on every transit and increase the number of both BOB and NOBOB tanks tested.

2009 Coast Guard Proposed Ballast Water Discharge Standard Rulemaking:

The Coast Guard is proposing a two-phase standard for the allowable concentration of living organisms in vessels' ballast water discharged in U.S. waters. The Coast Guard is currently drafting responses to public comments and is preparing the final rulemaking for publication.