

# Great Lakes Ballast Water Collaborative

US States Activities Update

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# Great Lakes States Biological Ballast Water Discharge Standards

State	BW Discharge Standard for New	BW Discharge Standard for Existing
Michigan	Treatment Technology	Treatment Technology
Illinois, Minnesota, Ohio	IMO in 2012	IMO by 2016
Pennsylvania	Withdrawn	Withdrawn
New York	1000x IMO in 2013	100x IMO by 2013
Wisconsin	IMO by 2012	IMO by 2014

# Great Lakes States Consistency Challenges

- Discharge standards
- Schedule
  - Launched date vs constructed or keel-laid date
  - “By” vs “After” date
- Lake Carriers covered, not covered, schedule based on unique characteristics

# Great Lakes States Shared Interests (unofficial)

- Consistent regional/federal discharge standards
- Protect water quality – enhance data collection to develop “protective” standards
- Install treatment as soon as possible
- Keep benefits of ballast water exchange where feasible
- Mechanism to advance treatment technologies beyond IMO

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## Michigan Activities Update

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# Michigan-USEPA VGP Litigation Settlement Agreement

- Signed by Michigan and USEPA in March 2011.
- Environmental groups reached a similar agreement in March 2011
- Requirements:
  - Public notice the draft next VGP by Nov. 30, 2011.
  - Issue the next VGP by Nov. 30, 2012.
  - Provide states with at least 6 months to deny, waive or issue Section 401 Water Quality Certifications after the draft next VGP is published.
  - Include in the draft next VGP numeric concentration-based effluent limits for live organisms in ballast water, or explain in the administrative record why such numeric limits are infeasible to calculate.
  - Expire the next VGP 4 years after its effective date.

# Michigan-USEPA VGP Litigation Settlement Agreement

- Settlement Agreement provides Michigan (and the environmental group petitioners) with an opportunity to meet 3 times with USEPA:
  - August 5<sup>th</sup> meeting to provide Michigan's views regarding numeric ballast water effluent limitations and compliance timeframes for the draft next VGP.
  - August 31<sup>st</sup> meeting to hear USEPA's intentions.
  - September 22<sup>nd</sup> meeting with EPA political management.

# Michigan-USEPA VGP Litigation Settlement Agreement

- Michigan's views for the draft next VGP:
  - Establish a final endpoint that is protective of water quality.
  - Use a risk-based approach.
    - Interim ballast water discharge limitations 10X more restrictive than IMO D-2 by January 1, 2014 for the >50um and >10-<50um live organism size classes.
    - Final ballast water discharge limitations 100X or 1000X more restrictive than IMO D-2 need to be imposed by January 1, 2016 for the same live organism size classes.
  - Final ballast water discharge limitations need to be combined with special Ballast Water Discharge Limitation Compliance Determination language to ensure covered vessels are not penalized if they install and properly operate acceptable ballast water treatment technology.
  - BWE practices need to be required at least until January 1, 2014.



# Michigan's Ballast Water Control General Permit Re-Issuance Strategy

- Michigan's Ballast Water Control GP expires on 1/1/12
- EPA's next VGP will not be issued until 11/30/12
- Michigan is proposing to re-issue GP with minimal changes to ensure BW treatment required of Salties during 2012.
- Michigan's GP will be public noticed in early October, 2011 and issued in early December, 2011.
- If EPA's next VGP is considered environmentally protective, then Michigan's GP will be rescinded.
- If EPA's next VGP is not considered environmentally protective, then Michigan's GP will likely be modified in early 2013.

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## New York Activities Update

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# EPA VGP

- Current

- Coastal Exchange/  
Flushing 50 NM/200M
- 100x IMO January 2012/  
August 2013
- 1000x IMO 2013
- Graywater No Discharge  
3NM 2012
- Bilge No Discharge 2012

- Future

- Technology Driving  
National Standard
- 100x IMO 2016
- 10 X IMO+ Exchange/  
Flushing 2014
- Grandfather 10 Years
- BMPs
- Supported by EU &  
CSLC Reports



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