

## U.S. COAST GUARD OFFICE OF OPERATING AND ENVIRONMENTAL STANDARDS

### Subject: Proposed Ballast Water Discharge Standard Rulemaking

#### Issue

The Coast Guard is proposing a two-phase standard for the allowable concentration of living organisms in ships' ballast water discharged in U.S. waters.

#### Background

This rulemaking is being carried out under the Nonindigenous 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 in preventing nonindigenous species introductions.

#### Proposed Standards and Schedule:

Table 1 compares the Coast Guard's proposed phase-one and phase-two standards. The phase-one standard is based upon the International Maritime Organization (IMO) "Regulation D-2" standard of the Ballast Water Management Convention. The phase-two standard is based on the most stringent proposed U.S. state regulations that are based on quantitative limits. Table 2 lists the implementation schedules. If a practicability review finds that no systems can meet the entire phase-two standard, but a *significant improvement* over phase-one can be practicably achieved, then the Coast Guard will propose intermediate standards and their associated timeline.

#### Applicability:

- Vessels that operate in U.S. waters and are equipped with ballast tanks, unless they are truly in innocent passage.
- By statute, the following vessels are exempted from Coast Guard BWM regulations:
  - crude oil tankers engaged in coastwise trade, and
  - vessels of the U.S. Armed Forces as defined in the Federal Water Pollution Control Act (33 U.S.C. 1322(a)) subject to the Uniform National Discharge Standards for Vessels of the Armed Forces (33 U.S.C. 1322(n)). 16 U.S.C. 4711(c)(2)(J), (L).
- By discretion, the proposed rulemaking would **not** apply to vessels that operate exclusively in one Captain of the Port Zone, due to the short nature of these voyages.
- This rule **may** apply, on a case-by-case basis, to foreign vessels equipped with and operating a BWMS that has been approved by a Foreign Administration, and vessels participating in programs conducted by Foreign Administrations or State governments that are like the Coast Guard's Shipboard Technology Evaluation Program.

#### Approval of Ballast Water Management Systems (BWMS):

Approvals of BWMS would be based on efficacy tests by certified Independent Laboratories; criteria for acceptance of BWMS approved by other countries; and engineering and operational requirements. Biocides used in BWMS may require independent registration by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act. Vessels will also need to meet various water quality criteria established in the EPA Vessel General Permit under the Clean Water Act.

#### Future Plans:

The Coast Guard will conduct a 90-day comment period, including a series of public meetings in New Orleans, LA (Gulf of Mexico), Chicago, IL (Great Lakes), Seattle, WA (West Coast), and Washington, DC (East Coast). The exact locations and dates will be published in the Federal Register. Following the public comment period, the Coast Guard will prepare responses to comments and prepare the final rulemaking for publication.

**More Information:**

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

Table 1. Comparison Between Phase-One and Phase-Two Discharge Standards

Organism Size	> 50µm*	>10µm & ≤50µm	≤ 10µm	Pathogens and indicators		
				Toxicogenic <i>V. cholerae</i> O1 & O139	<i>E. coli</i>	Intestinal enterococci
Phase One	< 10 / m <sup>3</sup>	< 10 / ml	N/A	<1 cfu / 100 ml	<250 cfu / 100 ml	<100 cfu / 100 ml
Phase Two	< 1 per 100 m <sup>3</sup>	< 1 per 100 ml	<1,000 bacteria & 10,000 viruses per 100 ml	<1 cfu / 100 ml	<126 cfu / 100 ml	<33 cfu / 100 ml

Table 2. Phase One and Phase Two Implementation Schedules

Vessel Category and BW Capacity (cubic meters, m <sup>3</sup> )		Vessel Construction Date	Vessel Compliance Date
<b>Phase One Implementation</b>			
New Vessels	ALL	On or after January 1, 2012	On Delivery
Existing Vessels	Less than 1500 m <sup>3</sup>	Before January 1, 2012	First drydocking <sup>1</sup> after January 1, 2016
Existing vessels	1500-5000 m <sup>3</sup>	Before January 1, 2012	First drydocking after January 1, 2014
Existing vessels	Greater than 5000 m <sup>3</sup>	Before January 1, 2012	First drydocking after January 1, 2016
<b>Phase Two Implementation</b>			
New Vessels	ALL	On or after January 1, 2016	On delivery
Existing Vessels	<1500 m <sup>3</sup>	Before January 1, 2016	First drydocking after January 1, 2016 or 5 years after installation of BWMS meeting phase-one standard, whichever occurs later.
Existing vessels	1500-5000 m <sup>3</sup>	Before January 1, 2016	As above
Existing vessels	>5000 m <sup>3</sup>	Before January 1, 2016	As above

\* µm: micrometer, a measurement of length, is equal to 1/1,000 of a millimeter or about 4/100,000 of one inch.

<sup>1</sup> Refers to scheduled drydocking which, depending on vessel type and service, could be either a 2.5, 5 or (in very rare cases) 10 year interval.