

Comparing the Coast Guard Ballast Water Discharge Standard Final Rule with EPA’s Vessel General Permit (VGP)

Topic	USCG 2012 Final Rule	EPA 2013 VGP
Implementing Legislation	National Invasive Species Act (NISA)	Clean Water Act (CWA)
Ballast Water Numeric Discharge Limitations	IMO D-2	IMO D-2
Implementation Schedule (First scheduled drydocking after year listed, except for new builds)	<p><u>New build vessels (keel laid after Dec. 1, 2013):</u> On delivery.</p> <p><u>Existing (Ballast Water (BW) capacity m³):</u></p> <p>< 1,500: 2016 1,500-5K: 2014 > 5,000: 2016</p>	Same.
Geographic Jurisdiction	12 nm territorial sea, and navigable waters (including inland waters) (33 CFR § 2.22 & 2.38)	3 nm territorial sea, and navigable waters (including inland waters) (40 CFR § 122.2)
Applicability	Non-recreational sea-going vessels equipped w/BW tanks, and some coastwise vessels that do not operate outside EEZ and are >1,600 Gross Register Tons (GRT).	<p><u>VGP:</u> non-military, non-recreational vessels, seagoing vessels that are > than 1,600 GRT.</p> <p>Also applies to crude oil tankers engaged exclusively in the coastwise trade (exempted from NISA).</p>
Applicability to Vessels operating on the Great Lakes	Vessels over 1600 GRT that operate between the Anticosti Island boundary and the EEZ prior to entering the Great Lakes are “seagoing vessels” and therefore must employ ballast water management methods.	Seagoing vessels that enter the Great Lakes. Does not apply to “Lakers,” which are vessels that operate exclusively on the Laurentian Great Lakes (upstream of Anticosti Island).
Ballast Water Exchange (BWE) Requirements	Phased out upon installation of ballast water management system (BWMS), in accordance with Implementation Schedule.	<p>Phased out upon installation of ballast water management system, in accordance with Implementation Schedule except for vessels entering the Great Lakes after being outside of the U.S. EEZ that have taken on BW from a freshwater/brackish port with salinity less than 18 ppt within the last month.</p> <p>Under State specified 401 certification requirements a number of Great Lake States and others have included ballast water exchange requirements in addition to ballast water management systems in order to meet State water quality standards.</p>

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Inspections and Reporting	CG inspectors review type-approval or other certificates and records, assess vessel’s crew regarding equipment usage, may take samples of BW for verification.	Requires self-monitoring of ballast water discharge and self inspections to ensure compliance with limits.
Technology Basis for Setting Discharge Limits	“Practicability standard” includes economic factors such as cost, availability.	Technology-Based Effluent Limits (TBELs) based upon CWA Best Available Technology standard; includes economic factors such as availability, practicability, and economic achievability.
Environmental / Water Quality Basis for Setting Discharge Limits	Not within CG’s statutory authority under NISA/NANPCA	Water Quality Based Effluent Limits (WQBELs) under the CWA: Prohibition against discharges violating applicable state water quality standards; BWE + treatment requirement for vessels entering the Great Lakes from freshwater/brackish port.
Equipment Approval	Yes, type approval requirements in 46 CFR 162.060. Note: 33 CFR 151.2026 Alternate Management Systems (AMS) is a temporary designation (up to 5 year) granted to a foreign approved system. Does not meet CG BWDS requirements as validated through CG type approval process which utilizes EPA environmental testing protocol (ETV).	No – EPA does not approve equipment However, vessel owner/operators utilizing a ballast water treatment system must use a system which has been shown to be effective by testing conducted by an independent third party laboratory, test facility or test organization. For purposes of the VGP, this includes USCG type approved and AMS designated systems.
Extension Request to a vessel’s ballast water discharge standard compliance date	Ship owner can request extension of compliance implementation schedule under 33 CFR 151.2036 if compliance is not possible: i.e. due to lack of CG Type Approved ballast water management systems.	If a ship owner cannot meet the implementation schedule, can seek individual permit coverage or seek to have the VGP modified based upon new information. In addition, from an enforcement perspective, the Agency may consider any good faith efforts by vessels operators to meet applicable implementation schedules in any Agency response to not meeting VGP limits.
Compliance and Enforcement	CG verifies compliance during every scheduled vessel inspection. The Service and the EPA will evaluate whether the MOU needs to be updated.	EPA is authorized to conduct compliance inspections and take enforcement actions. The VGP requires self-inspections and annual reporting, including reports of all instances of non-compliance. 2011 MOU between CG and EPA to share information, expertise, and technical assistance for VGP implementation.