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- US Great Lakes and vessel discharges...a complicated mix



## US Great Lakes and vessel discharges...a complicated mix



Photo: Ports of Indiana



By [Barry Parker](#) from New York

**Chaotic ballast water and vessel discharge issues have attracted the attention of the American Great Lakes Port Association (AGLPA), an organization representing the interests of commercial port**

**users, and the ports themselves, on the US side of the Great Lakes.**

The AGLPA was originally formed to support efforts to promote exports of grain cargoes, seeks to support the economic vibrancy of the region, and maritime trade generally. At its just finished meeting, held along the waterfront in Chicago, its major action item was a letter to the US Senate Armed Services Committee chair urging the Committee to confer its blessing on language that would “simplify chaotic ballast water discharge regulations that plague commercial shipping”.

The House of Representatives, in its version of a Defense Reauthorization bill (Title XXXVI of H.R. 4909), has included language that would bring about the adoption of uniform incidental discharge regulations throughout the US including the eight states along the Great Lakes where waterborne cargo is loaded and discharged.

The letter is signed by ports including Cleveland, Detroit, Chicago and almost a dozen others. The key phrase: “No State or political subdivision thereof may adopt or enforce any statute or regulation of the State or political subdivision with respect to a discharge

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...the regulatory jurisdiction of ballast water regulation to be administered by the US Coast Guard. The US Coast Guard oversees ballast water, deferring to rules established by the Coast Guard, but also a wide range of other discharges resulting from normal vessel operation (the lengthy list includes, among many others, effluent from scrubbers, for example) where the individual states have weighed in.

An AGLPA position paper on the issues hints at the jumbled regulatory landscape, starting with rules on ballast water exchanges going back to 1990, followed on with rules applying to ships entering the Saint Lawrence Seaway - the path from the Lakes out to the Atlantic Ocean - that were implemented around the same time as the IMO's yet to come into force Ballast Water Management Convention.

In the US, a parallel set of rules, enacted under the Clean Water Act (and administered by a different body- the Environmental Protection Agency, or EPA), delineated another set of rules and best practices, under the Vessel General Permit, for ocean going vessels trading in the Lakes and in the western part of the Seaway. Meanwhile, Three of the eight states on the Great Lakes have their own bespoke permitting regimes for vessel discharges. AGLPA's position paper also cites three Federal agencies looking at ballast water issues- the Coast Guard, the EPA, and the Saint Lawrence Seaway Development Corp, which works in parallel with a different entity on the Canadian side.

Sound confusing? Well, it is. Hence, the push for uniformity amidst a system where individual states can enact their own rules until they are compelled by Federal law to legislate harmonized rules.

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