



April 1, 2011

Subject: **Modified Ballast Water Discharge General Permit** WI-0063835-01-1

Dear Interested Party:

The Department has made its decision to issue the modified general permit to regulate ballast water discharges from commercial vessels that enter waters of the state. Pursuant to s. NR 150.03(8)(i)2.a., Wis. Adm. Code, an Environmental Impact Statement is not required.

You are receiving this letter because you have shown an interest in the proposed modification of the Ballast Water Discharge General Permit by attending the public informational hearing, writing us a letter, sending us an email, or requesting information. The Department has completed its review of the comments received and has prepared written responses. Based upon this public participation process, the proposed Ballast Water Discharge General Permit modification was revised.

The following permit documents may be electronically accessed at the link below:

<http://dnr.wi.gov/org/water/wm/ww/gpindex/gpinfo.htm>

- Modified General Permit
- Permit Modification Fact Sheet
- Summary of Public Comments and Department Responses
- Notice of Final Determination

Thank you for being part of the public participation process.

Sincerely,

Russell Rasmussen, Director
Bureau of Watershed Management

Date Signed: April 1, 2011

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

NOTICE OF FINAL DETERMINATION TO MODIFY A WISCONSIN POLLUTANT DISCHARGE
ELIMINATION SYSTEM (WPDES) PERMIT NO. WI-0063835-01-1 FOR BALLAST WATER DISCHARGES

Activity Regulated: The discharge of ballast water from vessels at least 164 feet in length and a ballast tank capacity of 2114 gallons or more (50 meters and 8 cubic meters).

Discharge Location: Ports of call or in transit on commercial shipping routes in Wisconsin.

Receiving Water: Lake Michigan, Lake Superior, and other locations with commercial shipping traffic.

Brief Description of the General Permit: Ballast water discharges from vessels in Wisconsin waters which meet the applicability criteria in the permit may be covered under the general permit for authorization to discharge ballast water. The general permit contains requirements to minimize the introduction and spread of aquatic invasive species (AIS) or diseases (such as Viral Hemorrhagic Septicemia, or VHS) that may be found in ballast water. A treatment discharge standard limits how many viable aquatic organisms may be contained in ballast water discharges. The state general permit supplements the Environmental Protection Agency Vessel General Permit with the inclusion of numeric ballast water treatment requirements and prohibitions that the Department believes are feasible and necessary to protect water quality. Ballast water treatment is required for existing oceangoing vessels starting in 2014, and for new oceangoing vessels in 2012.

The Wisconsin standard for ballast water discharges was 100 times more restrictive than the proposed International Maritime Organization (IMO) standard. In its Wisconsin Ballast Water Treatment Feasibility Determination report, released December 21, 2010, the Department determined that treatment technology is not yet commercially available to meet the Wisconsin standard of 100 times the IMO standard. Thus, the permit will be modified to change the discharge standard to the IMO standard. The implementation schedule remains the same — two years earlier than the proposed IMO schedule for existing oceangoing vessels. The modified permit will require the best management practice of mid-ocean ballast water exchange (BWE) or saltwater flushing of all oceangoing vessels to continue, in addition to onboard ballast water treatment. The Department believes this dual treatment process will provide greater protection against the introduction of AIS to the Great Lakes than the IMO standard alone.

Certain vessels remain exempt from numeric ballast water treatment standards, including Great Lakes vessels that operate exclusively in the Great Lakes. The Great Lakes vessels must implement ballast water and sediment management plans to minimize the spread of AIS and disease. They may also be subject to numeric ballast water treatment standards when this general permit is reissued.

Date Permit Signed/Modified: April 1, 2011

Date of Effectiveness: April 1, 2011

Date of Expiration: January 31, 2014

Following the January 26, 2011 public informational hearing and close of the comment period on February 4, 2011, the Department has made a final determination to modify the WPDES permit for the above-named general permit. Comments received on the proposed modified permit and applicable Wis. Adm. Codes were used as a basis for this final determination.

The Department has the authority to issue, modify, suspend, or revoke WPDES permits and to establish effluent limitations and permit conditions under ch. 283, Wis. Stats. The Department's findings of fact and conclusions of law are included in this Notice of Final Determination, the attached response to comments and the WPDES permit. The Department has complied with the requirements of ch. NR 150, Wis. Adm. Code, and s. 1.11, Wis. Stats. Within the authority under ch. 283, Wis. Stats., and consistent with social, economic and other essential considerations, the Department has included conditions in the WPDES permit to minimize impacts to water resources of the state.

As provided by s. 283.63, Wis. Stats., and ch. 203, Wis. Adm. Code, persons desiring further adjudicative review of this final determination may request a public adjudicatory hearing. A request shall be made by filing a verified petition for review with the Secretary of the Department of Natural Resources within 60 days of the date the permit was signed (see Date Permit Signed/Modified above). Further information regarding the conduct and nature of public adjudicatory hearings may be obtained by contacting the Department of Natural Resources, and by review of ch. NR 203, Wis. Adm. Code, s. 283.63 Stats., and applicable code law.

Information on file for this permit action may be inspected and copied at this address: Department of Natural Resources, Bureau of Watershed Management WT/3, WPDES Permits, 101 South Webster Street, PO Box 7921, Madison, Wisconsin 53707-7921, Monday through Friday (except holidays and Department furlough days), between 9:00 a.m. and 3:30 p.m. Information on this permit action may also be obtained by contacting the permit drafter (Laura Madsen) at 608-264-6285, e-mailing Laura.Madsen@Wisconsin.gov, or by writing to the Department. Reasonable costs (usually 20 cents per page) will be charged for copies of information in the file other than the public notice and fact sheet. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.