ORDER ACCEPTING STIPULATION BETWEEN WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND LAKER VESSELS PETITIONERS AND DISMISSING LAKER VESSELS PETITIONERS' REQUEST FOR CONTESTED CASE HEARING

Based on the Stipulation between the Wisconsin Department of Natural Resources and the Laker Vessels Petitioners (as defined in the Stipulation), which is attached and is accepted by the Division of Hearings & Appeals, IT IS HEREBY ORDERED that the Wisconsin Ballast Water General Permit (Permit), referenced above, is hereby AMENDED as follows:

1. The Table in Subsection 4.1 shall be revised as follows:

<table>
<thead>
<tr>
<th>Reference</th>
<th>Application</th>
<th>Discharge Standard</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table A 4.2.1</td>
<td>New Oceangoing Vessels</td>
<td>IMO Standard</td>
<td>For vessels constructed after Dec. 1, 2013, on delivery.</td>
</tr>
<tr>
<td>Table A 4.2.1</td>
<td>Existing Oceangoing Vessels</td>
<td>IMO Standard</td>
<td>First scheduled dry-docking after January 1, 2016, provided that if freshwater ballast water treatment systems (BWTSs) are approved by the USCG and commercially available and compatible for a specific vessel before the first scheduled dry-docking after January 1, 2016, the vessel owner will make reasonable efforts to install a treatment system at the earliest practicable date.</td>
</tr>
</tbody>
</table>
2. Section 4.1.2 shall be revised as follows:

### 4.1.2 Great Lakes Vessel Requirements

Vessels that operate exclusively within the Great Lakes and St. Lawrence Seaway System are subject to the Discharge Standard in Table A, and shall also follow their Ballast Water and Sediment Management Plan (refer to Subsection 4.3) to prevent the spread of any AIS or diseases (such as VHS) in the Great Lakes.

3. The Table in Subsection 5.2 shall be revised as follows:

<table>
<thead>
<tr>
<th>Required Action</th>
<th>Date Due</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Discharge Standards — New Vessels:</strong> New oceangoing vessels constructed on or after December 1, 2013, which meet the applicability criteria in Subsection 1.1, shall comply with the IMO standards in Table A of Subsection 4.2.1</td>
<td>December 1, 2013.</td>
</tr>
<tr>
<td><strong>Discharge Standards — Existing Oceangoing Vessels:</strong> Oceangoing vessels constructed prior to December 1, 2013, which meet the applicability criteria in Subsection 1.1, shall comply with the IMO standards in Table A of Subsection 4.2.1</td>
<td>First scheduled dry-docking after January 1, 2016, provided that if BWTSs are approved and commercially available and compatible for a specific vessel before the first scheduled dry-docking after January 1, 2016, the vessel owner will make reasonable efforts to install a treatment system at the earliest practicable date.</td>
</tr>
<tr>
<td><strong>Discharge Standards — Existing Great Lakes Vessels:</strong> Great Lakes vessels shall comply with discharge requirements for Great Lakes vessels in the VGP.</td>
<td>Immediately.</td>
</tr>
<tr>
<td><strong>Biocide Effluent Limits:</strong> Oceangoing and Great Lakes vessels meeting the applicability criteria in Subsection 1.1, and choosing to utilize a biocide water treatment additive, shall comply with the Table B biocide effluent limits and other applicable requirements in Subsection</td>
<td>Immediately.</td>
</tr>
</tbody>
</table>
4.2.2. The effluent limit for total residual chlorine, or a use restriction determined by the Department for other biocides, is effective immediately and whenever the biocide is used.

4. The amendments to the Permit take effect on the date this Order is signed.

5. The Laker Vessels Petitioners’ request for a contested case hearing is hereby DISMISSED WITH PREJUDICE.

Dated at Madison, Wisconsin on July 26, 2017.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
819 North 6th Street, Room 92
Milwaukee, Wisconsin 53203
Telephone: (414) 227-4781

By: [Signature]
Administrative Law Judge
BEFORE THE
STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS

In the Matter of the Ballast Water )
General Permit No. WI-0063835-02-0 )
to Discharge under the Wisconsin Pollutant )
Discharge Elimination System, issued )
April 1, 2015 )

STIPULATION BETWEEN WISCONSIN DEPARTMENT OF NATURAL RESOURCES
AND LAKER VESSELS PETITIONERS

WHEREAS:

1. Wisconsin Department of Natural Resources (WDNR) issued General Permit for Ballast
   Water Discharges, Permit No. WI-0063835-02-0 (Permit), effective April 1, 2015.

2. On April 28, 2015, WDNR received a request for contested case hearing from Lake
   Carriers' Association, The Interlake Steamship Co., Key Lakes, Inc., Grand River
   Navigation Co., Inc., Central Marine Logistics, Inc., and Pere Marquette Shipping
   Company (collectively Laker Vessels Petitioners).

3. WDNR granted the request for a contested case hearing to Laker Vessels Petitioners by
   letter dated May 14, 2015. The hearing was granted on the following issue:

   Whether Section 4.2.1 of WPDES Permit WI-0063835-02-0 (“Permit”), which
   includes numeric technology-based limitations on discharges of ballast water
   from vessels operating within the Great Lakes and St. Lawrence Seaway System,
   including Petitioners’ “laker” vessels, is reasonable and necessary.

4. Section 4.2.1 of the Permit requires that Great Lakes vessels (bulk carrier vessels that
   operate exclusively in the Great Lakes, their connecting channels, including all other
   bodies of water within the drainage basin of such lakes and connecting channels, and
   within the U.S. and Canadian Exclusive Economic Zones (EEZ)) install ballast water
   treatment systems that meet specific discharge standards, namely the International
   Maritime Organization (IMO) proposed D-2 performance standards for the discharge of
   ballast water, by the first scheduled dry-docking after March 30, 2018, unless the
   permittee can demonstrate that the USCG has not type approved any freshwater BWTSs
   that are commercially available and compatible for the permittee’s vessel as of that date.

5. The United States Environmental Protection Agency (EPA) 2013 Vessel General Permit
   (VGP) requires Great Lakes vessels to comply with specified ballast water management
requirements, but does not require Great Lakes vessels to install ballast water treatment systems that meet the IMO standards.


NOW THEREFORE, WDNR and the Laker Vessels Petitioners hereby stipulate and agree to the following:

1. WDNR and the Laker Vessels Petitioners conclude it is in the interest of both parties to resolve the Petitioners’ request for contested case hearing by agreeing to modify the language of the Permit to be consistent with the 2013 EPA VGP.

2. The Permit shall be modified to be consistent with the 2013 EPA VGP, as follows:

The Table in Subsection 4.1 shall be revised as follows:

<table>
<thead>
<tr>
<th>Reference</th>
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<tr>
<td>Table A</td>
<td></td>
<td></td>
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<tr>
<td>4.2.1</td>
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<td>Table A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.2.1</td>
<td>Great Lakes Vessels</td>
<td>Discharge Requirements for Great Lakes Vessels in the VGP</td>
<td>Immediately.</td>
</tr>
<tr>
<td>Table B</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.2.2</td>
<td>All Vessels</td>
<td>Biocide limits according to ch. NR 106, Wis. Adm. Code</td>
<td>Immediately.</td>
</tr>
<tr>
<td>4.4</td>
<td>All Vessels</td>
<td>BMPs</td>
<td>Immediately.</td>
</tr>
</tbody>
</table>
3. Section 4.1.2 shall be revised as follows:

**4.1.2 Great Lakes Vessel Requirements**

Vessels that operate exclusively within the Great Lakes and St. Lawrence Seaway System are subject to the Discharge Standard in Table A, and shall also follow their Ballast Water and Sediment Management Plan (refer to Subsection 4.3) to prevent the spread of any AIS or diseases (such as VHS) in the Great Lakes.

4. The Table in Subsection 5.2 shall be revised as follows:

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<td>Immediately.</td>
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5. Laker Vessels Petitioners agree to withdraw their petition for a contested case hearing if the Permit is modified in accordance with this Stipulation.
NOW THEREFORE, DNR and the Laker Vessels Petitioners hereby request that the Administrative Law Judge issue the attached Order, in accordance with the terms of this Stipulation.

Judith M. Mills  
Attorney for DNR  
7/26/17  
Date

Thomas P. McElligott  
Attorney for Laker Vessels Petitioners  
7/24/17  
Date