

Frequently Asked Questions...

1. Is there a risk of invasive species introduction? Either via ballast or as hitch-hikers on the vessels or their tenders. The promotional websites and videos on these “small” cruise ships highlight that they go up the Amazon and other hard to reach places. What are the risks associated with bringing these vessels into the Great Lakes and Grand Traverse Bay?
2. What is the track record of environmental regulation compliance of the different cruise ship owners and operators in the other geographic areas they cruise?
3. Is there any way that a cruise ship could discharge (knowing or unknowingly) with a permit or without a permit anything into the Great Lakes or bay? Gray water? Sewage? Fuel?
4. Are these vessels inspected before they come into the Great Lakes? If so, what entity inspects?

**From Eric Vogel, Chief
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Currently there are around 30-40 Passenger vessels and 1,000 ocean going cargo vessels that come into the Saint Lawrence seaway per year.

All passenger vessels carrying US passengers are subject to holding a Certificate of Compliance by the USCG. To acquire the certificate, our inspectors oversee parts of the construction and conduct an initial inspection ensuring all material is IAW regulations and vessel is ready to go into operation. Prior to carrying any US passengers we conduct another inspection ensuring the crew and vessel is in compliance, thereafter the USCG conducts inspections at minimum every year.

Every vessel destined for a US port is screened by the USCG to determine if an additional inspection should be required.

The inspections we conduct ensure a vessel is safe to navigate, has operational machinery, appropriate firefighting/detection, life saving equipment is functional and as stated on the certificate, vessel security procedures are in place and viable, the vessel is in compliance with all regulated waste streams (pollution sources) including; oil, garbage, hazardous material, ballast water, greywater, blackwater. We conduct a review of crew licenses, vessel plans and record keeping, we also test competence of the crew and emergency plans are functioning during a fire drill and passenger muster.

In the Great Lakes greywater is treated the same as blackwater (sewage). Per Federal regulations no vessel is allowed to pump over untreated blackwater. The USCG approves three different types of Marine sanitation devices. Type I, II, III. Type I & II are filtration systems and III is just a holding tank to be pumped ashore. Large Passenger vessel use a type II along with holding tanks which is the most robust filtration system using maceration and chlorination/biological treatment. Currently the state of Michigan does not allow the discharge of any sewage treated or not, so all commercial vessels use a holding tank and then offload to a shore side facility.

All large passenger vessels that I am aware of employ the use of ballast tanks for stability. There are a few different options when it comes to ballast water management practices in order to reduce the spread of Invasive species. These require either saltwater flushing their ballast tanks 200 miles beyond the EEZ in deeper than 2000' of water, retaining all ballast onboard, or utilizing fresh water from a municipality.

Since 2006, ballast water management requirements in the Great Lakes and the St. Lawrence Seaway system have been the most stringent in the world. USCG, TCMSS, and Seaway ballast regulations that include saltwater flushing, detailed documentation requirements, increased inspections, and civil penalties provide a comprehensive regulatory enforcement regime to protect the Great Lakes Seaway system

All passenger vessels 400 Gross Tons (all large passenger vsl's in the great lakes) are required to hold a Coast Guard approved oil spill response plan that details how they will respond to any oil spill. These plans include items such as; Point of Contact for the vessel to coordinate and fund a response, salvage of vessel, what their response structure will look like, what resources will be used and which Oil Spill Response Organization is contracted to do the cleanup.

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First of all, there are federal regulations and state regulations for oceangoing vessels and for the sake of clarity I will break down both sets of regulations separately and then offer a high level conclusion as to what regulations are applicable to cruise ships. I should also point out that the regulations listed below are for the United States, Canadian regulations have not been included.

Federal Regulations

- Vessels greater than 79 feet are subject to the EPA Vessel General Permit (VGP) which I have attached. This includes Michigan's 401 Certification unless exempt based on classification (attached).
- Vessels less than 79 feet are subject to the EPA Small Vessel General Permit (SVGP), also attached.
- United States Coast Guard Rule 33 CFR Part 151 and 46 CFR Part 162 are applicable to all non-recreational vessels equipped with ballast tanks that are operating on the waters of the United States after operating in waters outside the Exclusive Economic Zone (EEZ).
- Clean Boating Act of 2008 defines key terms and management practices for recreational vessels.
- Clean Water Act Section 312 defines No Discharge Zones for sewage as areas within 3 miles (4.8 km) from shore.
- (Special Mention) Title IX - Vessel Incidental Discharge Act (VIDA) defines standards and requirements for the management of discharges incidental to the normal operation of a vessel and are established by the United States Environmental Protection Agency and the United States Coast Guard is responsible for implementing the standards.
 - Title IX - VIDA has not been enacted. The standards are in the process of being developed and implemented.

State of Michigan Regulations

- All oceangoing vessels require a permit under provisions set forth in Part 31, Water Resource Protection and Part 41, of the Natural Resources and Environmental Protection Act (NREPA). **Oceangoing Vessel** - means a vessel that operates on the Great Lakes or the St. Lawrence waterway after operating in waters outside the Great Lakes or the St. Lawrence waterway.
- The State of Michigan Ballast Water Control General Permit (attached).
- Part 95 Watercraft Pollution Control prohibits the discharge of wastewater including graywater.
- Michigan's 401 Certification states that Water Quality Standards must be upheld in addition to regulations set forth by the VGP and the SVGP.

In conclusion, all oceangoing vessels require a permit when engaging in port operations in the State of Michigan or if the vessel discharges ballast water using one of the treatment systems approved by the Department regardless of the vessels length. Any vessel navigating outside of the Great Lakes and St. Lawrence Seaway pose a risk of introducing invasive species, therefore, the above regulations, both federal and state, were enacted. Currently, I have not been tracking compliance records from other geographic areas outside the State of Michigan. I am the compliance manager for ballast water permits in the State of Michigan. Part 95 states "A person shall not discharge, dump, throw, or deposit garbage, litter, sewage, or oil from a recreational, domestic, or foreign watercraft used for pleasure or for the purpose of carrying passengers, cargo or otherwise engaged in commerce on the waters of this state." Vessels knowingly, unknowingly, permitted or unpermitted have the potential to discharge much like a person

owning a car has the potential to dump their oil on the ground while changing their oil. However, this action would be in violation of Section 312 of the Clean Water Act, Michigan water quality standards, and Part 95. In accordance with the Clean Water Act Title IX 312(p)(5)(iii) the United States Coast Guard is in charge of inspecting vessels and will perform inspection when deemed necessary. Both federal and state regulations have language that allows for state or federal employees to board vessels for inspection purposes.