



# CLEAN WATER ACTION

July 30, 2008

By electronic mail

Mary Jean Fenske  
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Minnesota Pollution Control Agency  
520 Lafayette Road North  
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**Re: Comments of Clean Water Action on the State Disposal System (SDS) Permit MNG300000 Ballast Water Discharge General Permit.**

These comments are submitted on behalf of Clean Water Action (CWA), a national non-profit environmental organization with offices located in 26 states including Minnesota. One of the primary program areas of the Minnesota office is to work with state, regional and national organizations for Great Lakes restoration. A portion of that work focuses on reducing the threat from aquatic invasive species (AIS) in Lake Superior and the Great Lakes.

Over the past thirty years, the exemption of ballast water discharges from regulation has allowed large vessels to discharge ballast water containing species not indigenous to the Great Lakes without effective controls to protect water quality. This exemption has led to the establishment of many invasive species that have severely impaired the use and value of the waters of the Great Lakes basin for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other purposes.

Invasive species are causing the foundation of the Great Lakes food web to crash, interfering with the recreation and enjoyment of millions of Americans, and costing the region billions of dollars. Many scientists believe that invasive species are the worst problem facing the Great Lakes, maybe worse than chemical pollution. As a result, effective controls on new discharges of invasive species are a top priority of the Great Lakes Regional Collaboration Strategy.

We would like to highlight the importance that the SDS Permit establishes controls on vessels that operate only within the Great Lakes as well as those that enter the basin from other waters. This is a significant inclusion necessary to protect Minnesota's waters from new AIS into the basin, as well as those that already exist in the basin but are not yet in Lake Superior.

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Clean Water Action would like, however, to comment on and suggest changes to several sections of the draft permit:

1. (Part 2) The SDS Permit MNG300000 establishes ongoing permit requirements; however, it fails to establish a procedure allowing for the enactment of stricter controls in the event of emergency conditions. For example, the discovery of a high threat AIS in other US or international ports for which there is a high risk of introduction under the normal permit enforcement. Provisions for the development and implementation of an emergency response plan to ensure the protection of Minnesota waters should be included. The emergency response plan should be allowed to include appropriate responses such as forbidding any ballast water discharge into Minnesota waters from ships visiting affected waters, institution of stricter discharge standards, or inclusion of vessels that are not regulated by this SDS permit.
2. (Part 3, 12) The timeline places full implementation of standards no sooner than 2016, yet, interim provisions, such as BMPS's, can be used to safely and effectively reduce the risk of introduction and spread of AIS in the Great Lakes. The permit should include required implementation of those measures that are practical and establish procedures for adequate validation, monitoring, and enforcement.
3. (Part 3, 15) The draft permit states that treatment systems are required to perform adequately in freshwater testing in order to be approved for installation. This requirement should also recognize the possibility that differences exist between the testing conditions and those experienced during operation in Minnesota waters of Lake Superior that could affect the performance of the treatment systems.
4. (Part 5) The draft permit relies on the International Maritime Organization (IMO) standards. The standards currently in place in California and proposed in the House version of the Coast Guard Reauthorization Act (H.R. 2830) are both much stronger. The protection of Minnesota's waters requires ensuring the introduction of no AIS. While this may not be technically feasible at this time, it is important that the strictest achievable standards be put in place in order to push technology innovation. The IMO standards may be appropriate to use as bridge standards on the way toward the stricter California or federal standards but should not be the final standards enacted.

5. (Part 7, 42 and 43) Sampling, measuring, and inspection of treatment systems and operation should be required periodically to ensure that installed equipment and BMP's are operated and maintained in a way to ensure ongoing compliance.

Clean Water Action appreciates the steps that the MPCA has taken to protect Minnesota's waters from the introduction of new AIS. Aquatic invasive species have had significant environmental and economic impacts on Minnesota. Ballast water has been responsible for the introduction of a number of AIS in the past and it is long overdue to place controls on ballast water to prevent further introductions. The draft SDS Permit MNG300000 is a good start toward establishing a system to prevent AIS introductions through ballast water, but we believe that the preceding modifications are necessary in order to achieve this goal.

Thank you for the opportunity to comment on the draft SDS Permit MNG300000.

Sincerely,

A handwritten signature in dark ink, appearing to read "Darrell Gerber". The signature is fluid and cursive, with the first name "Darrell" and last name "Gerber" clearly distinguishable.

Darrell Gerber  
Program Coordinator  
Clean Water Action Midwest Office