Consulate General of Canada Consulat général du Canada

July 30, 2008

Mary Jean Fenske, P.E.
Industrial Division, SP-5
Minnesota Pollution Control Agency
520 Lafayette Road N.
St. Paul, MN 55155-4194

(e-mail: maryjean.fenske@state.mn.us)

Dear Ms. Fenske :

I am writing to you today regarding the Minnesota Pollution Control Agency's (MPCA's) draft State Disposal Permit for vessels discharging ballast water into the Minnesota waters of Lake Superior and associated harbors (MPCA Draft State Disposal Permit MNG300000 Ballast Water Discharge General Permit, hereafter "draft permit").

Please find the Government of Canada's May 5, 2008 submission of comments on the working draft permit attached. The comments put forward by the Government of Canada in that document remain applicable for the draft permit.

The Government of Canada shares Minnesota's concerns regarding the impact of invasive species on Lake Superior, and we share your desire to take steps to eliminate the introduction and spread of invasive species through ballast water carried in ships.

Lake Superior is a shared waterway and the best approach for environmental management is through cooperation between governments, industry and other stakeholders. Canada and the U.S. are jointly addressing the issue of the further spread of invasive species – including Viral Hemorrhagic Septicemia (VHS) – in the Great Lakes by the domestic fleets of both nations. The joint ballast water inspection regime run out of Montreal is the most stringent enforcement system worldwide. 100% of vessels entering the Great Lakes from outside Canada's Exclusive Economic Zone (EEZ) are inspected, including ships with no ballast on board (NOBOBs) and ships from the U.S. Coastal Trade. Canada and the U.S. also continue to invest in research into effective ballast water discharge standards and ballast water technology.

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We have national legislation and regulations in Canada that address the issues surrounding aquatic invasive species. In that light, we support the development of comparable national U.S. legislation and regulations. A national plan on ballast water is preferable to state-level legislation or regulations. In fact, the Great Lakes Water Quality Agreement requires both countries to harmonize regulations on ship source discharges.

However, if state regulations are to go forward, it would be important to ensure that the regulations are compatible with Canada – U.S. bi-national agreements and operational activities, as well as with the international context in which they are set.

It is also important that regulations be effective in meeting their environmental objectives and are feasible in implementation. Any proposed regulations must take into account the reality of ship safety and the current state of technologies in treatment and monitoring.

Thank you for this opportunity to comment on the draft permit. We commend the State of Minnesota for engaging in a useful stakeholder consultation process in the development of this proposed permit. The stakes are high. If the permit is not designed and implemented correctly, this regulatory program could have significant economic and environmental impacts for the region.

I would be pleased to take part in a discussion about the Government of Canada's concerns, and would welcome the opportunity to arrange meetings with experts from within the Canadian federal government.

Sincerely,

Martin Loken
Consul General of Canada