

Mary Jean Fenske
Industrial Division, SP-5
520 Lafayette Road North
St. Paul, MN 55155

7/29/2008

Re: Comments on State Disposal System (SDS) Permit MNG300000; Ballast Water Discharge General Permit

Dear Ms. Fenske,

Please accept these comments from Save Lake Superior Association (SLSA), an organization of about 300 members in Minnesota and other states and provinces surrounding the great Lake Superior. Our mission is to prevent the further degradation of the lake and its waters while promoting its restoration.

Domestic and foreign freighters have discharged untreated ballast water into lakeshore harbors since the opening of the Soo Locks. Aquatic Invasive Species (AIS) were introduced by foreign vessels after the opening of the St. Lawrence Seaway. Over one hundred of these species now inhabit the Great Lakes and are transported as far as our ports in Minnesota by both domestic “Lakers” and foreign “Salties”. SLSA welcomes the MPCA effort to stem the tide of these destructive species, even at this late date.

The draft SDS Permit needs to be strengthened in a number of sections in order to effectively stop the discharge of viable organisms including pathogens such as viral hemorrhagic septicemia (VHSV) into the lake.

Part 1. General Ballast Water Applicability.

1. Applicability criteria

Vessels carrying less than 8 cubic meters of ballast water must not be universally exempted regardless of their length. No evidence exists that this ballast does not contain enough AIS to exceed the “propagule pressure” (Fact Sheet, P. 5) required to disrupt and destroy a local or area ecosystem. The cumulative discharge from all such vessels is not less dangerous than that from NOBOBs (P.4, Fact Sheet) or bait fish. Any ship passing through the Soo Locks into Lake Superior with ballast from another potentially infected body of water must be covered by this permitting process. No serious evidence has been given that both the treatment of all ballast water entering Lake Superior and “supporting a viable shipping industry in Minnesota” (P. 4, Fact Sheet) are incompatible.

Permitting these vessels would also assist in preventing the purposeful introduction of materials of terrorism into Lake Superior harbors.

3. c. Exclusions

Vessels discharging ballast to an on-shore treatment facility or intermediate transfer vessel must not be automatically excluded from permitting. These facilities must be covered by an equivalent NPDES permit. This is a loophole that needs to be closed.

Part 2. General Ballast Water Permit Authorization

10. Prohibited Discharges

Minn. R. 7050.0211 has been repealed and Minn. R. 7052.0210 concerns “mixing zones”. This reference appears to present an alternative to the Biological Performance Standard for Ballast Water Treatment Technology. These stipulations should be removed from the permit since dilution will not solve the AIS discharge problem.

Part 3. Ballast Water and Sediment Management Plan, Ballast Water Treatment

12. Ballast Water Treatment Schedule

This schedule ignores the imminent threat of pathogens such as VHSV and other AIS to infect the waters of Lake Superior in Minnesota. The schedule must include temporary and achievable ballast water treatment means such as chlorination to eliminate all viable organisms in ships ballast water. Zero discharge is achievable. Two shipping seasons will have passed since the threat of VHSV to the waters of Lake Superior was identified. This proposed schedule (yr 2016) does not provide the protection required by MN Statutes.

Part 5. Surface Discharge Limitations and Monitoring Requirements. Table A – Biological Performance Standards for Ballast Water Treatment Technology

- A limit of less than 10 viable organisms per cubic meter of discharged ballast water from a ship discharging 10 million gallons of effluent would permit up to 340,000 viable organisms greater than 50 microns in length to be dumped into Lake Superior receiving waters. Clearly this does not prevent the introduction or spread of AIS in Minnesota waters.
- 340,000,000,000 viable organisms between 10 and 50 microns would also be allowed using this proposed standard.
- And so forth with other AIS.

IMO standard has produced nothing more than caldrons of infected waters worldwide. Many of the viable organisms are AIS themselves as well as being carriers of AIS such as VHSV fish virus. These Permit standards should contain one uniform limit of “zero viable organisms”. This is achievable, affordable and long overdue.

Omissions from MNG300000

1. Ballast water discharge monitoring and frequency standards have been omitted from this draft permit. Monitoring of pollution is a statutory responsibility of the MPCA. Methods of monitoring pollutants in ballast water discharge must be made part of this permit. (P.11, Fact sheet)
2. Nondegradation review should apply to all ballast carrying vessels discharging into MN waters. The quality of discharge has deteriorated, especially since 1984. Straightforward review of technical reports on the increase of AIS in the Great Lakes waters in the last 30 years disqualifies any older vessels from this exemption on the basis of water quality degradation.

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

Save Lake Superior Association

LeRoger Lind, President
2948 E Castle Danger Rd.
Two Harbors, MN 55616
218-834-6137