

Minnesota Council of Trout Unlimited  
John P. Lenczewski, Chair  
18776 Twilight Trail  
Eden Prairie, MN 55346  
612-670-1629

July 30, 2008

Ms. Mary Jean Fenske  
MPCA  
Industrial Division  
520 LaFayette Road North  
S. Paul, Minnesota 55155-4194

Re: State Disposal System (SDS) Permit MNG300000  
Ballast Water Discharge General Permit provisions

Dear Ms. Fenske:

I am writing on behalf of the Minnesota Council of Trout Unlimited to again urge the MPCA to shorten the timetable for requiring vessels to treat their ballast water prior to discharge in Minnesota waters. While we commend the MPCA for moving forward to regulate ballast water discharges into the Minnesota waters of the Lake Superior basin, the timetables and standards proposed may be too little, too late. The threat of the spread of VHSV into Lake Superior is imminent and substantial. It necessitates stronger interim measures to reduce the risk.

We are dismayed to see that the permitting system proposed will allow the vast majority of ballast water discharges into Lake Superior to continue until 2016! This is unacceptable. Too much focus has been placed on finding a "perfect" treatment method for eventual installation, while concrete interim treatment measures and management practices are ignored. Please see my comments of April 30, 2008 for specific suggestions. While unspecified, apparently voluntary, "BMPs" are called for in the interim, these are not spelled out. The permit should spell out mandatory interim measures which take effect in the next several months.

Additionally, the permit provisions need to be changed as follows:

The permit should have broader application, allowing the MPCA greater flexibility to require permits of any smaller vessels which it may deem to be high risk vessels.

Under Part 4, 17, owners or operators of vessels should be required to record not only each discharge of ballast water or sediment, but also each instance in which ballast water is taken on. The MPCA and public need to know the origin of all ballast water so that we can begin to build a clearer understanding of the scope of the threat it poses. Under Part 4, 19,

duplicate log books should be filed with the MPCA, perhaps by January 21 of each calendar year as is required for DMRs.

The MPCA should go beyond the current IMO standards and consider including an incentive system to encourage more rapid implementation by shippers. While we appreciate that this is a first permit only, it should be stated that the eventual goal is discharge standard of zero viable biological organisms.

We are happy to assist you and others in the development of an interim solution to stop VHSV now. Please do not hesitate to contact me for clarification of our position.

Sincerely,

John P. Lenczewski