



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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Mary Jean Fenske  
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Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

Subject: MPCA Ballast Water Discharge General Permit MNG300000  
Public Noticed Permit Dated June 30, 2008

Dear Ms. Fenske:

The Wisconsin Department of Natural Resources is providing the following comments on the proposed MPCA Ballast Water Discharge General Permit. We share a mutual concern regarding aquatic invasive species and need to regulate ballast water in the Great Lakes. We agree with the overall permitting approach MPCA is taking, with an emphasis on best management practices, use of IMO and US Coast Guard requirements for consistency, and the implementation schedule that requires treatment in a time period that allows for development of freshwater control technologies that is consistent with international efforts. Comments and suggested changes with our rational are provided on the referenced parts of the permit underlined below.

### Part 1 #2 Applicability Criteria

Delete b. regarding "vessels 50 meters in length or more". The fact sheet provides rational for why the focus should be on larger volumes of ballast water for controlling aquatic invasive species. The 8 cubic meters of ballast volume is consistent with both the IMO and EPA criterion. Using the ballast tank volume is sufficient to determine what ships must be permitted. The addition of the vessel length adds unnecessary confusion. With the sentence structure the use of the "and" condition would imply a ship could be <50 meter but have a ballast capacity >8 cubic meters, and it wouldn't be subject to the permit. EPA's proposed general permits use a length of 79 feet (24 meters). This causes a consistency issue that should be avoided. Inclusion of a ship's length in the determining applicability of the permit appears to be arbitrary and unnecessary for MPCA's permit that only regulates ballast water.

### Part 1 #2 Applicability Criteria

Renaming of #2 to "Discharge Criteria" would help distinguish it from #1 that's also named "Applicability Criteria". A clarifying note could be added to 2.b that for this permit implementation of best management practices and any treatment, in accordance with Part 3, constitutes compliance with surface water quality standards. Or expand on this in the fact sheet on page 7 under paragraph VI.A. EPA's "Proposed Vessel General Permit Fact Sheet" (4.1.1 to 4.2.2) provides a good explanation on why there are no numerical effluent limits and that instead implementation of best management practices serve as effluent limits.

Create a new numbered section for the sentence that begins "Vessels that fail...", and name it "Individual Permit". This provision in the permit should be its own numbered item. Expand on it by including all the circumstances that could necessitate an individual permit, similar to what is provided on page 7 of the fact sheet under paragraph V.

#### Part 2 #10 Prohibited Discharges

The prohibition of discharging sea water need not be conditioned that the vessel be "fully ballasted with sea water". Any sea water greater than the residual amount left in a NOBOB should be prohibited. Maybe say instead "... vessels containing sea water other than insignificant residual amounts". Determining what's insignificant should be explained, such as - ballast water remaining in the tank that cannot be pumped or drained out.

#### Part 3 #13 Ballast Water Treatment Plan

The submittal and approval of ballast water treatment plans could likely involve a large work load with little benefit gained from the individual review of every ship's treatment system. Because of the up-front verification process, the ability to comply with the performance standards is confirmed prior to installation of the treatment system. A self-approval process could be described in the permit that would automatically accept treatment technologies, provided the permittee meets certain criteria such as is outlined in the permit. By defining the self-approval process, this approach should also comply with any statutory requirement for a State plan approval. That would avoid duplicate reviews on similar on-board treatment systems by MPCA, and make the process simple and more efficient for the permittees.

#### Part 6 #24 and #29 Total Residual Oxidants

Instead of using the 0.038 mg/L waster quality based effluent limit, it would be better to be consistent with the 100 µg/L limit EPA has proposed in their vessel general permit. EPA chose this limit because they believe it's reasonable using best professional judgment, and is representative of what has been included in permits for publicly owned treatment works that disinfect effluent. The higher limit should also eliminate issues with the test method level of detection.

#### Permit Organization and Numbering

Avoid repetition of the same heading under numbered sections to improve the organization of the permit. For example: instead of labeling 8, 9, and 10 each as "Prohibited Discharges", use 8 for this heading and then 8.1, 8.2 and 8.3 for the three items that are prohibited. Similarly, 4-7; 14-15; 17-19; 20-22; 24-30; 31-66; and 67-87 could use this type of numbering format. For the General Requirements, highlight the subject by underlining a key word or phrase or use quotation marks like what is done for the definitions so the reader can know at a glance what each requirement is regarding.

Thank you for your efforts to control aquatic invasive species in the Great Lakes, and thank you for this opportunity to provide comments.

Sincerely,



Russell Rasmussen, Director  
Bureau of Watershed Management