



MPCA's Vessel Discharge Permit: Initial Working Draft



Minnesota Pollution Control Agency
Informational Meetings
April 15, 16 2008

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Photos courtesy of US Army Corps of Engineers, by Bielicki

Aquatic invasive species

- Alter existing aquatic ecosystems
- Costly to deal with impacts
- Move from Lake Superior to inland lakes and rivers



Photo courtesy of US Fish and Wildlife Service



Photo courtesy of Center for Great Lakes and Aquatic Sciences

Aquatic invasive species prevention in Lake Superior

Vectors: Pathways

Concept Map

Maritime Commerce

- Ballast Water
- Hull/Anchor fouling

Water Recreation

- Boating equipment
- Livewells
- Fishing equipment
- Bait

Agency Activities

- Stocking/hatcheries
- Assessment
- Harbor maintenance
- Navigation
- Homeland security
- Research

Tourism

- Charter fishing
- Ecotours
- Float planes
- Diving

Organisms in Trade

- Pets/Aquariums
- Aquatic plants
- Shoreline restoration
- Bait
- Live food fish
- On-line sales

Canals and Diversions

- Locks
- Power canals
- Compensating works
- Diversions

Illegal Activities

- Plants
- Fish stocking
- On-line sales

Commercial Fishing

- Fishing equipment/vessels
- Bait
- Fish Aquaculture



Goal: Stop introduction and spread of invasive species

- US Coast Guard rulemaking
- EPA general permit development
- Proposed federal legislation
- Proposed state legislation
(MN, OH, IN, WI, IL, PA, NY)
- State regulatory agency permitting
(MI, MN, OH, NY, WI)



Court actions affecting states

Federal exemption successfully challenged

- 1973: EPA excluded vessel discharges from NPDES permitting
- September 2006: U.S. District Court decision in CA eliminates the vessel discharge exemption effective September 30, 200.
- EPA appealing decision
- EPA developing a permitting strategy



www.epa.gov/owow/invasive_species/ballast_water.html

Minnesota's vessel discharge regulation work plan

- Encourage/support federal action on Great Lakes shipping
 - Participate in US EPA GP development
 - Comment on federal regulations/ bills
 - Work with USCG
- Communication and coordination
- Develop state regulatory program for vessel discharges – rulemaking and permit



Rulemaking tentative schedule

Limited rulemaking

- Modify Minn. R. 7001.1030, subp. 2A to remove exemption of vessels from NPDES permitting (a state exemption)
- Published Request for Comment in March (preliminary notice)
- Publish Notice of Intent to Adopt rules in May/June (formal proposal)
- Goal: rule changes effective by Sept. 30, 2008

General permit tentative schedule

Early March	Initial stakeholder input meetings
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Mid-March	MPCA begins drafting initial permit/ application
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April	Stakeholder input meetings initial draft permit - April 15 in St. Paul & April 16 in Duluth
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June	Start 30-day public notice
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September	Final permits issued
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Comment opportunities

Rulemaking

- Public comment period for Request for Comment ends April 23, 2008
- Can provide input after this date
- Formal 30 day public comment period starts when publish Notice of Intent to Adopt Rules (May/June)

Permit

- Requesting input on working draft language by April 30, 2008
- Can provide input after this date
- Formal 30 day public comment period starts when publish proposed General Permit (June)

Posting written input/ comments received at:
<http://www.pca.state.mn.us/programs/ballastwater.html>

Stakeholder input (March)

- Strong concurrence that invasive species are a serious problem
- Federal regulation is the preferred mode
- Frustration about the lack of meaningful regulation at the federal level over past 2 decades



Stakeholder input (March)

- Concern about a state-by-state patchwork of regulations
- More stringent MN regulation than elsewhere could:
 - send MN shipping business elsewhere
 - cause economic harm to MN industries dependent on MN ports



Need to see permit language for further discussion

Goal: Protect Minnesota waters

Protect waters through a water quality permit that:

1. prevents ship-mediated spread of aquatic invasive species
2. is supportive of a viable shipping industry



Keys to a successful permit

- Act immediately where possible
- Protect MN waters through ballast water discharge standards
- Regulatory consistency
- Coordination with other regulators



Proposed timeline to meet ballast water treatment standards

- MPCA issues permit
- Vessels comply with BMP

Submit ballast/sediment management plan

- Submit treatment technology plan
- Begin monitoring

Comply with biological standards

Vessels install technology
(dependent on dry dock availability)

Sept
2008

March
2009

Sept
2009

Sept
2013

Permit applicability

- Ballast water oceangoing and lakes-only vessels transiting Minnesota waters of Lake Superior and its harbors
 - \geq 50 meters in length
 - \geq 8 cubic meters ballast capacity
- Exclusions
 - US armed forces vessels
 - Vessels with sealed tanks
- On-shore ballast water treatment not covered



Photo courtesy of US Army Corps of Engineers, photo by Jerry Bielicki

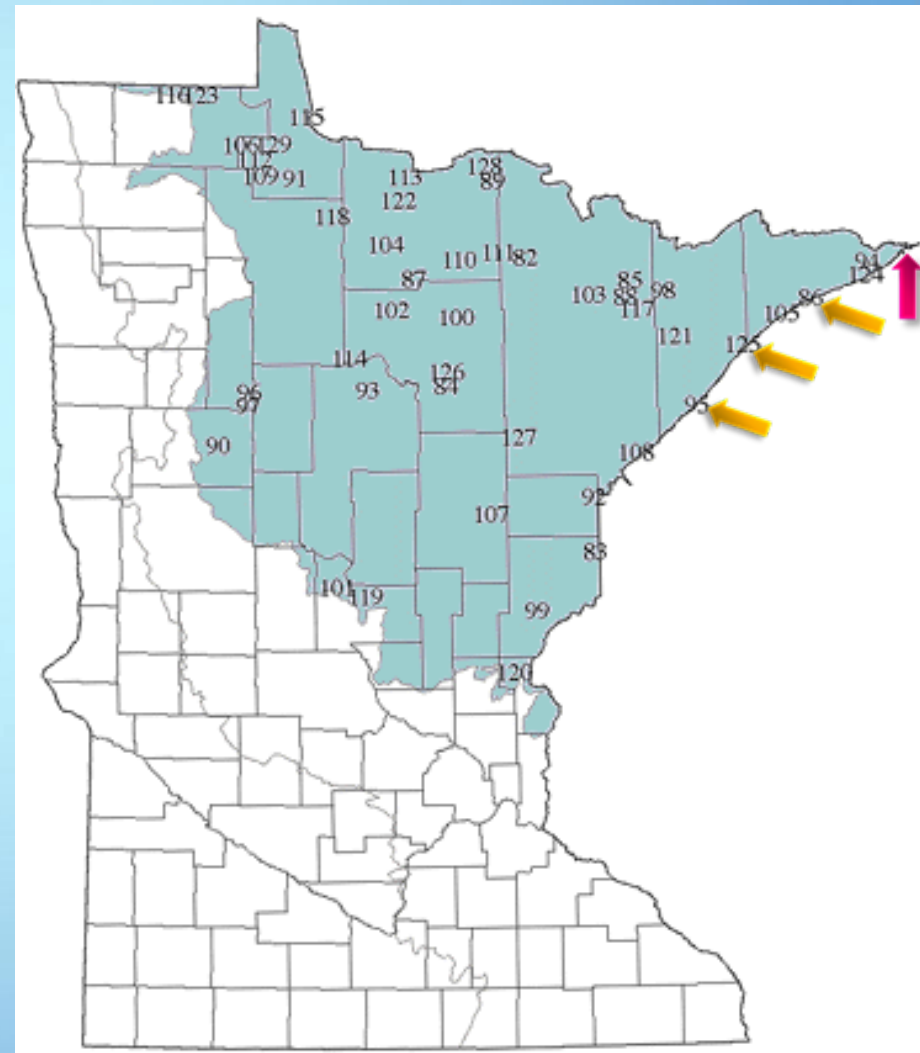
Safety first

Discharge standards do not apply in emergency situations – to save human lives or to save a vessel



Prohibited discharges

- Sensitive areas –
 - DNR-designated scientific and natural areas
 - far NE end of MN near Hat Point
- Non-suspended sediment (tank cleaning)



Ballast discharge standards

- Technology Based
 - Best Management Practices
 - IMO D-2 Standards
- Water Quality Based
 - Reviewing studies and research
- Specific to treatment technology
 - Residual oxidants
 - Dissolved oxygen



Photo courtesy of Minnesota Extension Service, Don Breneman

Permit: Ballast water management practices

- Includes requirements based on 33 CFR 151.2035
 - Avoid uptake of discharge in areas/ at times that are more likely to have problems
 - Sediment management – No discharge in MN waters
 - Discharge minimal ballast water essential for vessel operations
- Create and maintain ballast/sediment management plan and train personnel in its use
- Oceangoing ships must conduct saltwater exchange



Discharge monitoring

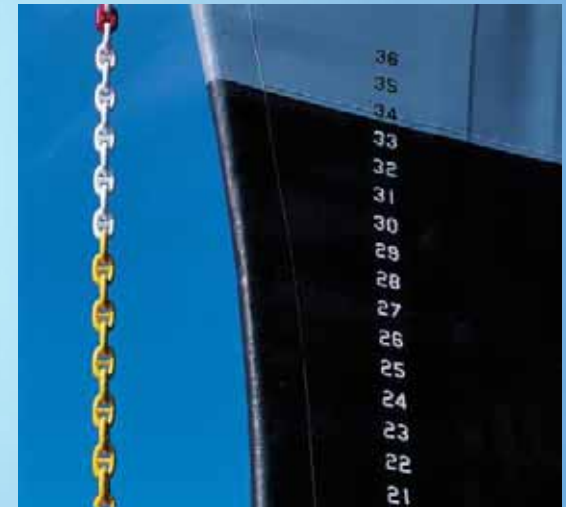
- Beginning 1 year
 - Biological monitoring
- Items to be resolved
 - Sampling port design / installation
 - Sampling protocol
 - Analytical protocol



Photo courtesy of Michigan Sea Grant

Reporting and compliance

- Discharge Monitoring Report required
Frequency yet to be determined
- Ballast Water and Sediment Management Plan to be available
- Inspection and entry
Allows reasonable compliance evaluation activities



Permit milestones

- Immediately
 - Best Management Practices
- 180 days
 - Ballast Water / Sediment Management Plan
- Beginning 1 year
 - Biological monitoring
 - Plans & Installation schedule to meet discharge standards
- End of permit term (2013)
 - Compliance with discharge standards

Questions / Comments

- Applicability
- Discharge standards
- Implementation schedule
- Monitoring and reporting
- Other



More information

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