



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us

February 15, 2008

To Whom It May Concern

RE: Great Lakes Shipping Ballast Water Control in Minnesota

The Great Lakes water transportation industry is vitally important to Minnesota's economy. However, ballast water discharges from oceangoing and lakes-only vessels containing aquatic invasive species (AIS) have damaged water quality and continue to threaten the environment throughout the Great Lakes, as well as Minnesota's lakes and rivers. AIS compete with native species for food and habitat, alter aquatic ecosystems, and cause significant economic impacts. Existing federal ballast water management requirements and policies have not been effective in preventing biological invasions of the Great Lakes. For these reasons, the Minnesota Pollution Control Agency (MPCA) intends to develop a regulatory program to control the introduction and spread of AIS by ballast water.

The MPCA supports ongoing federal efforts to further control vessel discharges in a manner that assures compliance with water quality standards. A federal approach to regulating vessel discharges would provide a consistent framework for regulatory programs. However, due to the serious environmental and economic impacts of this issue and the uncertain timeline associated with the federal regulatory strategy for vessel discharges, the MPCA is proceeding with the development of a regulatory program. The program will further extend controls on the discharge of ballast water from vessels through a general permit system under the state's National Pollutant Discharge Elimination System (NPDES)/ State Discharge System (SDS) permitting program.

The permitting system, as envisioned, would require commercial vessels in Minnesota's waters of Lake Superior and associated harbors to obtain a NPDES/SDS permit from the MPCA prior to discharging any ballast water into Minnesota's waters. The permits would require general best management practices and specific performance standards for the discharges. A performance standard for ballast water might specify an allowable number of living detectable organisms per cubic meter of water. The MPCA plans to have a permit available for ships by September 30, 2008.

Currently, Minnesota Rule 7001.1030 exempts ballast water from NPDES permitting, similar to an exemption of vessels from NPDES permitting by the United States Environmental Protection Agency (EPA). However, a 2006 federal court decision vacated EPA's exemption of vessels from NPDES permitting as of September 30, 2008. As such, the MPCA intends to propose a revision to Minn. R. 7001.1030 to allow the issuance of a NPDES/ SDS permit to vessels.

The MPCA would appreciate your input as the agency develops the approach and applicable requirements for the permit. You are invited to participate in either of the following two stakeholder meetings at the MPCA's offices. The agenda will be identical for both meetings.

- Monday, March 3rd from 2 - 4 pm in the Boardroom (St. Paul) OR
- Tuesday, March 4th from 10 am - noon in the large conference room (Duluth)

Please confirm your interest and availability to attend one of the above meetings with Mary Jean Fenske by e-mail (maryjean.fenske@state.mn.us) or by phone (651-297-5472). The meeting agenda is currently under development and will be provided to those interested in attending.

The MPCA also plans to hold stakeholder meetings in spring when it expects to have an informal draft of the general permit available. In addition, your questions and comments are welcome at any time during the development of the permit. If you have questions concerning the technical aspects of the permit, please contact the Dave Kortan by e-mail (david.kortan@state.mn.us) or by phone (651-296-6010).