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April 28, 2008

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

Ms. Fenske,

Thank you for the opportunity to participate in the Minnesota Pollution Control Agency's (MPCA) informational meetings held in St. Paul and Duluth. We are also happy to have the opportunity to comment on the proposed vessel discharge permit. The Iron Mining Association of Minnesota (IMA) is the taconite industry's trade association consisting of the six iron ore mines and almost 200 vendors that supply products and services to the mines. These industries make up much of the economy of many of the communities in Northeast Minnesota employing approximately 15,000 people. In some cases it is the primary economic foundation of the communities.

Since the only means the mines have to transport and deliver their product to the steel mills in the eastern United States is by the ore boats known as "Lakers" we have a great concern whenever there are challenges to that transportation mode. That said we also believe protecting the waters of Minnesota is important. Therefore, there must be a balance between environmental protection, economic considerations and review of international and interstate commerce laws to assure competitive disadvantages are not created for industries of Minnesota with other states and countries. To that end there has to be complete and accurate analysis of the information developed by all stakeholders.

As an example, if the PCA creates a permit that can not be adhered to by a boat due to conflicting requirements of the International Maritime Organization (IMO), US Coast Guard, or Environmental Protection Agency (EPA) it may cause undue administrative and legal complications. The jurisdictional reach of the PCA needs to also be considered so not to create misinterpretation of permit requirements. This is important so that the boat and its owners are not held up physically or legally in jurisdictional or permit conflicts. Even one boat being held up would adversely affect the ability to ship taconite due to the short shipping season and market demands. Another consideration would be national security. Minnesota taconite makes up 80% of the steel produced in the United States.



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We continue to recommend a federal solution to vessel discharge regulations with identical permit requirements across all the Great Lake States. It is recognized that some stakeholders believe federal efforts have taken too long, and even with recent passage of a vessel discharge bill in the US House, they may not feel it goes far enough to protect the waters of Minnesota. If there are differing permits between the states—often with the boundaries only lines drawn over the top of shared water resources—it will not create any additional environmental protection.

It is our hope that the permit allows for:

- operational practices that may greatly reduce introduction of invasive species without mechanical or chemical processes
- time to develop mechanical or chemical processes
- requirement that any practice or process must be authorized by the state, federal, or international agency having oversight of the operation and safety of the boats
- recognition of limit dry dock accessibility
- recognition that the transportation mode for taconite is unique and no other exists
- consideration that the proposed permit is a mobile non-point source that crosses state and international boundaries
- cost and environmental benefit considerations
- continued research of causes of the spread of the invasive species rather than broad sweeping requirements that may be the result of a specific sector not being addressed in this permit process
- federal legislation taking precedent

Thank you for allowing us to make comments on the draft permit. We appreciate the continued outreach the agency makes to assure all stakeholders are contacted on this and other agency matters. We would like to reserve the ability for future comments as the draft permit is better defined.

Craig Pagel
President Iron Mining Association of Minnesota



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