

Ms. Mary Jean Fenske P.E.
Minnesota Pollution Control Agency
520 Lafayette Road N
St. Paul, MN 55155

4/21/2008

Re: MPCA Ballast Water NPDES/SDS General Permit Development

Dear Ms. Fenske,

Save Lake Superior Association welcomes the MPCA efforts to stop the spread of aquatic invasive species into Minnesota's waters through ballast water discharge. We are particularly concerned about the current threat of viral hemorrhagic septicemia fish virus into the Lake from discharge by Salties and Lakers. In general the timing and discharge limits specified in the draft do not reflect response sufficient to prevent this and other AIS from entering Lake Superior. Statutes do not limit MPCA enforcement options to NPDES permits. Temporary, gap-filling measures will be required to effectively stem this tide. Tributary streams and inland lakes in Minnesota have already been infected with spiny sea fleas and zebra muscles. We need no more proof of potential harm.

Concerning applicability, the discharge standards should apply to any vessel passing through the Soo Locks with ballast water. Thousands of viable organisms could be present in the volume of ballast excluded and present on ships less than 50 meters in length with 8 cubic meter ballast capacity.

Discharge standards included in the draft may reflect current Federal limits but certainly should not be retained in a Minnesota NPDES permit for ships discharging ballast water. The discharge standard for vectors known to be carriers of the VHS and other pathogens should be zero viable organisms discharged. This standard is attainable at a relatively low cost through the use of chemicals and other means that should be considered as temporary solutions if not permanent ones.

Disinfection and monitoring must be effective. In order to meet a standard of zero viable organisms discharged, sterilization of ballast water by either physical or chemical disinfection methods must be required in the permit. Both intake and discharge water must be monitored on a routine basis to guarantee compliance with a zero discharge standard.

Working Draft General Permit Language Comments:

Part I. Permit Coverage

- Exclusion 4. (b) contains a loophole that must be closed. Discharge from on-shore ballast water treatment systems must conform to equivalent standards and have NPDES permits.

- Exclusion 5. (b) is another loophole in that this permit is automatically giving a lower discharge control priority to ballast water than to discharges controlled by other Federal Standards.

Part II. Surface Discharge Stations Limitations and Monitoring Requirements

Table 4

- The effluent limitation of 9 organisms >50 microns per cubic meter of ballast water would allow over 3 million viable organisms to be discharged into the Duluth harbor alone per day (10 Lakers at 10 million gallons ballast capacity). This would not provide effective control of any AIS species. These are VHS vectors, not scalars. No viable living organisms capable of reproducing or causing death should be permitted for discharge into Minnesota waters.

Part IV. Ballast Water Management Practices ...

11. (a, b...) in most cases these requirements are unenforceable. Use of a zero discharge effluent standard would stimulate the observance of this self-enforced practice and reduce ballast treatment costs.

14. Same comments apply.

15. Effluent Limit Compliance (a); Include a plan for temporary treatment of ballast water effective when NPDES permit is issued.

Generally speaking, pollution control compliance always gravitates to minimum standards. It is necessary that the NPDES permit standards effectively eliminate the discharge of aquatic invasive species in ships ballast water. Thanks for your attention.

Sincerely,

Save Lake Superior Association
P.O. Box 101
Two Harbors, MN 55616

LeRoger Lind, President