

UNITED STATES GREAT LAKES
SHIPPING ASSOCIATION
7714 WOODSTAR LANE
CONCORD TOWNSHIP, OH 44077-8993

April 15, 2008

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

via e-mail
maryjean.fenske@state.mn.us

Dear Ms. Fenske:

I will be unable to attend the scheduled hearings April 15 and 16 regarding the proposed permit in connection with MPCA's work on ballast water in the State of Minnesota. We do plan to have a representative in attendance in Duluth.

Here are a few drafting comments on the permit, particularly Part I which you may wish to consider:

- 1) In different places you refer to "person," "permittee," "owner/operator," and it appears that in some cases, it is the same entity to which you intend to refer. Perhaps this can be clarified by a definitions section, but most importantly, you should be clear about what entity actually holds the permit and what entity will be responsible for compliance going forward as well as enforcement procedures.
- 2) In 1 (a) where does the size limitation come from? Just because there may be a large number of vessels not exceeding the limit (recreational or commercial), ballast water discharge is ballast water discharge.
- 3) In the Permit, should "state waters" be defined? I know this may be a given for most, but consider that addition for clarity to all.
- 4) In 2 (b) there is a distinction made between an individual permit and the general permit. I could not find where the individual permit is described further.

2.

5) Item 6 (a) - 2 points...First, this appears to apply to sewage water and not ballast water. Is this an appropriate entry? Second, what is the relevance of the map coordinates? Maybe that should be explained somewhere.

6) In 13 (c), permit language (a), second line after “shore,” consider adding “of the United States”

In general, while I am unqualified to comment on the quantitative limits and requirements in Table A and Table B, it appears to be a great deal of information and detail which may have to be obtained even when the vessel is not within jurisdictional waters of Minnesota; e.g., daily averages, etc. Can there be a simpler way to make a determination of vessel compliance when the vessel arrives in to Minnesota waters? Also, fewer items tested for which the target is intended to be invasive species in ballast water.

Trusting these may be helpful, we look forward to your response in the next draft.

Respectfully submitted,

Stuart H. Theis
Executive Director