

State Disposal System (SDS)
Vessel Discharge Permit No. MNG300000
Notice of Coverage

Permittee: Multiple
Facility name: Ballast Water General Permit
Receiving water: Minnesota state waters of Lake Superior
Location: Multi-location mobile vessel
Issuance date: October 1, 2018
Expiration date: September 30, 2028

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to transit through and discharge ballast water to the state waters of Lake Superior, in accordance with the requirements of this permit.

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with Minnesota and U.S. statutes and rules, including Minn. Stat. chs. 115, 116; and Minn. R. chs. 7001, 7050, 7053, and 7060.

This permit is effective on the issuance date identified above and shall expire at midnight on the expiration date identified above.

Signature: **Theresa Haugen**

This document has been electronically signed.

Theresa Haugen
Supervisor
Water Section
Industrial Division

for the Minnesota Pollution Control Agency

Submit WQ reports to:

Attention: WQ Submittals Center
Minnesota Pollution Control Agency
520 Lafayette Road North
St Paul, Minnesota 55155-4194

Questions on this permit?

- For specific permit requirements or permit compliance contact:
John Thomas (john.thomas@state.mn.us) 218-302-6616
- General permit or NPDES Program questions contact:
MPCA at 651-282-6143 or 1-800-657-3938

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1. Ballast Water General Permit Requirements

1.1	Applicability. [Minn. R. 7001]
1.1.1	This General Permit (permit) applies to all vessels transiting the Minnesota State waters of Lake Superior required to submit a Notice of Intent to obtain the United States Environmental Protection Agency Vessel General Permit (VGP). [Minn. R. 7001.0210]
1.1.2	Authorization. [Minn. R. 7001]
1.1.3	This permit authorizes, subject to the terms and conditions of this permit, the discharge of ballast water to Minnesota State waters of Lake Superior. [Minn. Stat. ch. 115.03, subd. 1(e)]
1.1.4	This permit authorizes a vessel to discharge only after the owner/operator receives a written Notice of Coverage (NOC) from the Minnesota Pollution Control Agency (MPCA) indicating discharge authorization. [Minn. R. 7001.0030, Minn. Stat. ch. 115.03, Minn. Stat. ch. 115.07]
1.1.5	Permittees shall retain the written NOC, or a duplicate, on board the permitted vessel when transiting Minnesota State waters of Lake Superior. [Minn. Stat. ch. 115.03, subd. 1(e)(7)]
1.1.6	Prohibited Discharges. [Minn. R. 7001]
1.1.7	This permit prohibits discharges in those portions of Lake Superior north of latitude 47 degrees, 57 minutes, 13 seconds, east of Hat Point, south of the Minnesota-Ontario boundary, and west of the Minnesota-Michigan boundary. [Minn. R. 7050.0270, subp. 6, Minn. R. 7050.0335, subp. 3]
1.1.8	Ballast Water and Sediment Management Plan. [Minn. R. 7001]
1.1.9	Permittees shall comply with the Ballast Water and Sediment Management Plan (Plan) as approved by the MPCA. Permittees shall translate the Plan into English if the vessel's working language is another language. The Plan shall contain all elements required by Minn. Stat. Sec. 115.1703. If permittees change the actions required to manage ballast water or dispose of sediment or other elements of the Plan, they shall update the Plan and submit the updated Plan to the MPCA for review and approval as provided in the Application to Revise NOC section of the permit. [Minn. Stat. ch. 115.1703]
1.1.10	Ballast Water Treatment. [Minn. R. 7001]
1.1.11	Nothing in this permit releases permittees from the duty to install ballast water treatment as required by the VGP and to thereafter monitor and maintain such treatment systems as required by the VGP. [Minn. R. 7001.0150, subp. 3(F)]
1.1.12	Permittees shall complete the following for any Lakers built before January 1, 2009, covered by this permit: a. meet the VGP numeric discharge requirements after the first scheduled drydocking of the vessel, unless they can demonstrate that the U.S. Coast Guard (USCG) has not type-approved, under 46 CFR subpart 162.060, any ballast water management system (BWMS) that is commercially available and compatible for their permitted vessel in the year prior to the scheduled drydocking; b. for each scheduled drydocking that a permittee does not plan to install a BWMS, permittees shall submit documentation demonstrating that no BWMS is compatible for the permitted vessel by February 28 of the calendar year prior to the vessel's next scheduled drydocking. The individual who signed the Ballast Water General Permit application form or an individual who meets the criteria in Minn. R. 7001.0060 shall certify this documentation and include the certification required by Minn. R. 7001.0070. In the interim, permittees shall comply with all other portions of this permit as applicable; and c. after permittees install a type-approved BWMS, Lakers shall follow the sampling and analysis requirements and meet numeric discharge requirements contained in the VGP for treated ballast water discharges and the requirements of part b., above, no longer apply. [Minn. Stat. ch. 115.03]
1.1.13	Ballast Water Treatability Study. [Minn. R. 7001]
1.1.14	Permittees having permit coverage for Lakers built before January 1, 2009 that submit documentation demonstrating that no BWMS is compatible for the permitted vessel shall complete, either individually or in partnership with other permittees, a Great Lakes Ballast Water Treatability Study (Study). The goals of the Study, to include shipboard or non-shipboard technologies, are to: a. identify and investigate weaknesses and gaps in knowledge that lead to uncertainty in the compatibility and/or

	<p>effectiveness of the existing type-approved BWMSs;</p> <p>b. describe performance requirements and operating conditions necessary for BWMSs to be effective in Great Lakes waters and compatible with Laker vessels; and</p> <p>c. develop a BWMS for Lakers that can meet the VGP discharge limits and obtain type-approval from the USCG. [Minn. Stat. ch. 115.03, subd. 1(e)(7)]</p>
1.1.15	<p>The Study shall investigate the sources of incompatibility that permittees identify in their documentation demonstrating that no BWMS is compatible. Evaluation of the sources of incompatibility may include, but are not necessarily limited to:</p> <p>a. quantifying potential corrosion to Laker vessels that may result from the addition of active substances used in type-approved BWMSs;</p> <p>b. quantifying potential reductions in filter performance, capacity, and effectiveness due to ballasting in high sediment ports;</p> <p>c. quantifying the effectiveness of type-approved BWMSs when operating in conditions that are common to the Great Lakes such as low temperatures and low salinity; and/or</p> <p>d. the length of hold-time requirements of BWMSs and potential reductions to hold times. [Minn. Stat. ch. 115.03, subd. 1(e)(7)]</p>
1.1.16	<p>In addition, the Study shall include one or both of the following requirements:</p> <p>a. Permittees shall work with BWMS manufacturers or independently to develop USCG-approved modifications to existing BWMSs or develop and pilot test new BWMSs that are compatible with Great Lakes waters and Laker vessels and are capable of meeting VGP numeric discharge standards; and/or</p> <p>b. Permittees shall work with BWMS manufacturers or independently to pilot test BWMSs to demonstrate the extent of system treatment effectiveness/compatibility with the vessel through actual testing on one or more ballast tanks. [Minn. Stat. ch. 115.03, subd. 1(e)(7)]</p>
1.1.17	<p>Within 180 days after permit issuance, permittees (individually or in partnership) shall submit a work plan for MPCA review that identifies methods and timelines to complete the Study and achieve the ultimate goal of meeting the VGP numeric discharge standards. Permittees shall initiate the work plan for the Study 30 days after submittal, unless MPCA requires they modify the work plan. If MPCA requires modifications to the work plan, permittees shall implement the revised work plan that addresses MPCA requirements, within 30 days after resubmittal of the revised work plan. [Minn. Stat. ch. 115.03, subd. 1(e)(7)]</p>
1.1.18	<p>After submitting the work plan, permittees shall submit annual updates by February 28 (individually or in partnership) to MPCA on the progress of the Study toward meeting the goals identified above. [Minn. Stat. ch. 115.03, subd. 1(e)(7)]</p>
1.1.19	<p>If in the course of performing the Study, a BWMS that is compatible with a Laker vessel is type approved and permittees commit to installing the BWMS on the vessel at the next scheduled drydocking, they may submit a request to the MPCA to cease additional work on the Study. [Minn. Stat. ch. 115.03, subd. 1(e)(7)]</p>
1.1.20	<p>Emergency Control of Ballast Water Discharges. [Minn. R. 7001]</p>
1.1.21	<p>The MPCA, in coordination with the Minnesota Department of Natural Resources (DNR), may prohibit discharges, require discharges occur in a particular area or require emergency treatment of any "high risk" ballast water permittees propose to discharge in Minnesota waters.</p> <p>A "high risk" ballast water is one that the MPCA determines, in consultation with the DNR, poses an imminent and substantial danger to the health and welfare of the people of the state related to the introduction of a nonnative species into Minnesota waters.</p> <p>Nothing in this section relieves the vessel owner or operator of the responsibility for ensuring the vessel's safety and stability or the safety of the crew and passengers. [Minn. Stat. ch. 115.1701, subd. 9, Minn. Stat. ch. 116.11]</p>
1.1.22	<p>As an alternative to discharging high risk ballast water, the MPCA may authorize the use of BWMS identified as promising technology by EPA, USCG, neighboring states or a U.S. ballast water testing research facility. [Minn. Stat. ch. 115.1701, subd. 9, Minn. Stat. ch. 116.11]</p>
1.1.23	<p>If the MPCA, in coordination with the DNR, determine that there is a high risk ballast water source port, the MPCA will contact permittees known to uptake ballast in that port to establish alternatives to standard</p>

	ballasting/de-ballasting procedures to minimize the risk to Minnesota waters. [Minn. Stat. ch. 115.1701, subd. 9, Minn. Stat. ch. 116.11]
1.1.24	If the MPCA, in coordination with the DNR, determine that there is a potential for the presence of "high risk" ballast water on board a vessel, the MPCA may require the vessel owner or operator to submit to the MPCA (ballastwater@state.mn.us) the current Ballast Water Reporting Form. Reporting shall be as soon as possible after notification by the MPCA and shall be prior to the vessel's arrival in Minnesota state waters of Lake Superior. [Minn. Stat. ch. 115.1701, subd. 9, Minn. Stat. ch. 116.11]
1.1.25	Ballast Water Exchange. [Minn. R. 7001]
1.1.26	The operator of any vessel covered under the VGP whose voyage originates outside the exclusive economic zone (EEZ) and enters Minnesota waters shall not discharge ballast unless they meet the following conditions: the vessel conducted ballast water exchange or flushing beyond the EEZ, at least 200 nautical miles from any shore, and in water at least 2,000 meters in depth, while in oceanic waters, resulting in a salinity level of at least 30 parts per thousand (ppt) prior to the time the vessel enters Minnesota waters. [Minn. Stat. ch. 115.03, subd. 1(e)]
1.1.27	All vessels entering Minnesota waters from outside the EEZ shall maintain the ability to measure salinity levels in each tank onboard the vessel to ensure that the levels reach salinities of at least 30 parts per thousand prior to discharge in Minnesota Waters. This requirement applies regardless of whether the vessel has an operational BWMS. This requirement is in addition to treatment required under the VGP. [Minn. Stat. ch. 115.03, subd. 1(e)]
1.1.28	For vessels entering the Great Lakes from outside the EEZ and carrying only residual amounts of ballast water and/or sediment, the flushing requirements are equivalent to those set forth in the July 1, 2012, edition of the St. Lawrence Seaway regulations, 33 CFR Sec. 401.30(f). [Minn. Stat. ch. 115.03, subd. 1(e)]
1.1.29	This permit section does not apply to: a. vessels that have no ballast tanks; b. vessels that carry only permanent ballast water all of which is in sealed tanks that are not subject to discharge; and/or c. vessels where the master determines that compliance with this condition would threaten the safety or stability of the vessel, its crew, or its passengers because of adverse weather, equipment failure, or any other relevant condition. [Minn. Stat. ch. 115.03, subd. 1(e)]
1.1.30	If a vessel cannot conduct ballast water exchange or flushing due to serious safety concerns as specified above, the operator of such vessel shall inform the MPCA and DNR prior to discharging ballast in state waters to allow a determination of whether the discharge of the ballast presents a "high risk" as defined in this permit. Permittees shall not discharge ballast that does not meet the conditions in this section if the MPCA and DNR determine that the ballast is "high risk" and that additional treatment is necessary to protect aquatic resources. [Minn. Stat. ch. 115.03, subd. 1(e)]
1.1.31	Ballast Water Record Book . [Minn. R. 7001]
1.1.32	Permittees shall maintain a ballast water record book meeting all the requirements of Minn. Stat. Sec. 115.1705. If permittees use electronic record keeping methods, those methods shall comply with applicable standards of the state and the National Institute of Standards and Technology governing reliability, integrity, identity authentication, and nonrepudiation of stored electronic data. [Minn. Stat. ch. 115.1705]
1.1.33	General Requirements. [Minn. R. 7001]
1.1.34	General Conditions. This permit incorporates the general conditions required by Minn. R. 7001.0150 and Minn. R. 7050.0210 and the permittee is subject to them. [Minn. R. 7001.0150, Minn. R. 7050.0210]
1.1.35	Severability. The provisions of this permit are severable and, if any provisions of this permit or the application of any provision of this permit to any circumstance are held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. [Minn. R. 7001.0150, subp.(3)]
1.1.36	Confidential Information. Except for data determined to be confidential according to Minn. Stat. Sec. 116.075, subd. 2, all reports required by this permit shall be available for public inspection. Effluent data is not confidential. To request the MPCA maintain data as confidential, the permittee shall follow Minn. R. 7000.1300. [Minn. R. 7000.1300, Minn. Stat. ch. 116.075]
1.1.37	Annual Report Submittals. If required in the Ballast Water Treatment section of the permit, permittees shall submit an annual report to: MPCA, Attn: WQ Submittals Center, 520 Lafayette Road North, St Paul Minnesota

	551554194. [Minn. R. 7001.0150, subp. 2(B)]
1.1.38	Application for revised NOC. If information submitted to the MPCA to obtain the NOC changes, the permittee shall submit updated information within 30 days of making the change. [Minn. R. 7001.0030]
1.1.39	Chemical Additives. Permittees shall not discharge any chemical additives through a BWMS at levels that cause or contribute to an exceedance of state water quality standards in Minn. R. 7050.0150, Minn. R. 7050.0210 and Minn. R. 7052.0100. Permittees shall meet the VGP discharge limits for discharge water from BWMS with the exception of Total Residual Oxidants, measured as Total Residual Chlorine (TRC). Once permittees install an operational treatment system, they shall base TRC results on the Final Acute Value (FAV) found in Minn. R. 7050.0220, Subp. 3a(6). For chemical additives other than chlorine, permittees shall comply with requirements on the MPCA chemical additive webpage at: https://www.pca.state.mn.us/water/wastewater-additional-guidance-and-information to find the documents necessary to complete the approval process. [Minn. Stat. ch. 115.03, subd. 1(e)(1)]
1.1.40	Revocation of Coverage. The MPCA may terminate coverage under this General Permit as provided in Minn. R. 7001.0210 if the MPCA finds that an individual permit would more appropriately control the operations, emissions, activities, or discharges from vessels of permittees covered by this General Permit. [Minn. R. 7001.0170, Minn. R. 7001.0180]
1.1.41	Termination of Permit. The MPCA reserves the right to modify or revoke this General Permit. If the MPCA modifies this General Permit, the MPCA will require permittees who wish to continue coverage to submit an application acknowledging the modification and requesting continuation of coverage. If the MPCA revokes the General Permit, persons who wish to continue to discharge ballast water shall apply for an individual permit as provided in Minn. R. 7001 unless a State permit is no longer required. [Minn. R. 7001.0170, Minn. Stat. ch. 115.03, subd. 1(e)]
1.1.42	<p>Permit Reissuance. If permittees desire to continue permit coverage beyond the date of permit expiration, they shall submit an application for permit reissuance: Due by 180 days prior to permit expiration. If permittees do not intend to continue the activities authorized by this permit after the expiration date of this permit, they shall notify the MPCA in writing at least 180 days before permit expiration.</p> <p>If a permittee submits a timely application for permit reissuance, they may continue to conduct the activities authorized by this permit, in compliance with the requirements of this permit, until the MPCA takes final action on the application, unless the MPCA determines any of the following (Minn. R. 7001.0040 and 7001.0160):</p> <ul style="list-style-type: none"> a. The permittee is not in substantial compliance with the requirements of this permit, or with a stipulation agreement or compliance schedule designed to bring the permittee into compliance with this permit; b. The MPCA, as a result of an action or failure to act by the permittee, is unable to take final action on the application on or before the expiration date of the permit; c. The permittee submits an application with major deficiencies or fails to properly supplement the application in a timely manner after MPCA informs them of deficiencies. [Minn. R. 7001.0160]
1.1.43	Definitions. [Minn. R. 7001]
1.1.44	This permit incorporates by reference the definitions set forth in Minn. Stat. Sec. 115.1701. [Minn. Stat. ch. 115.1701]
1.1.45	<p>This permit incorporates the definitions in the VGP as defined except as otherwise defined in Minn. Stat. Sec. 115.1701.</p> <p>"VGP" means the current version of the issued U.S. Environmental Protection Agency general permit governing discharges from vessels. Permittees can find the VGP at https://www.epa.gov/npdes/vessels-vgp. [Minn. Stat. ch. 115.1701]</p>
1.1.46	"Ballast water management system" or "BWMS" means any system that processes ballast water to kill, render harmless, or remove organisms. The BWMS includes all ballast water treatment equipment and all associated control and monitoring equipment. [40 CFR 162.060]