



**COMMANDER
NINTH COAST GUARD DISTRICT
CLEVELAND, OH 44199-2060**

25 September 2008

Dear Great Lakes Senator,

On Monday, September 29 the Coast Guard will publish an interim rule in the Federal Register which regulates dry cargo residue discharges on the Great Lakes. This rule requires Great Lakes dry bulk cargo carriers to keep records of the loading, unloading, and discharges of dry cargo residues. The rule also encourages Great Lake dry bulk cargo carriers to use control measures to reduce the amount of dry cargo residue entering the water. The rule allows the discharge of non-toxic and non-hazardous bulk dry cargo residues in certain areas of the Great Lakes.

During loading and unloading, dry cargo residues (from cargo such as limestone, iron ore and coal) may fall onto the deck of the vessel or off conveyor belts in tunnels under the vessel's deck. Historically, it has been the practice to sweep or wash these cargo residues overboard. Since 1993, Great Lakes dry bulk cargo carriers have operated under a Coast Guard "interim enforcement policy" that allows "incidental discharges" of non-toxic and non-hazardous dry cargo residues on the Great Lakes. That interim enforcement policy specified where dry cargo residue discharges could and could not occur. Since 1998, Congressional legislation has extended the interim enforcement policy and the current extension, granted by congress in 2004, expires Sept. 30, 2008. This interim rule replaces the interim enforcement policy.

The Coast Guard remains concerned that the potential risk from the practice of washing dry cargo residue into the Great Lakes, no matter how benign it appears, may increase over time. As stated in the interim rule, the Coast Guard is committed to determining if, in the long term, the optimal balancing of commercial and environmental interests requires the mandatory use of dry cargo residue control measures, the adjustment of the geographical boundaries within which discharges are currently allowed, or other regulatory changes.

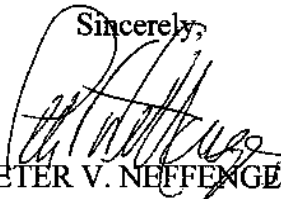
The Environmental Impact Statement completed for this regulation was the most extensive scientific study ever completed on the effects of dry cargo residue discharges in the Great Lakes ecosystem. The authors included 19 subject matter experts comprised of professionals from fields including: environmental engineering, fisheries biology, zoology, aquatic ecology, oceanography, civil engineering, and water chemistry.

The Coast Guard intends to complete ongoing research on the economic costs and benefits of various control measures for reducing dry cargo residue discharge. Once this research is completed, the Coast Guard will decide whether additional regulatory action is required.

The outcome of the final regulatory phase is not predetermined. I strongly encourage the public to submit additional comments so the Coast Guard will have the best available information to complete the final portion of the regulation. Public comment must be received not later than January 15, 2009.

For more information regarding the interim rule for dry cargo residue, please contact Commander Tim Cummins of my staff at Timothy.M.Cummins@uscg.mil or call 216-902-6049.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter V. Neffenger', written over a large, light-colored circular scribble or stamp.

PETER V. NEFFENGER
Rear Admiral, U.S. Coast Guard