



MARITIME EXCHANGE

for the Delaware River and Bay

Leading the Way to Port Progress

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August 15, 2008

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, D.C. 20510

The Honorable Daniel Inouye
Chairman
Senate Committee on Commerce, Science
and Transportation
United States Senate
Washington, D.C. 20510

The Honorable Kay Bailey Hutchison
Ranking Member
Senate Committee on Commerce, Science
and Transportation
United States Senate
Washington, D.C. 20510

RE: National Pollutant Discharge Elimination System (NPDES) General Permits for Discharges Incidental to the Normal Operation of a Vessel (Federal Register, June 17, 2008, pages 34296-34304)

Dear Majority Leader Reid, Minority Leader McConnell, Senator Inouye and Senator Hutchison:

On behalf of the Delaware River maritime community, this letter is to voice our strong support of the attached comments submitted by the Chamber of Shipping of America concerning the above referenced subject. As you may be aware, the Maritime Exchange for the Delaware River and Bay is a non-profit trade association representing port and related businesses throughout Southeastern Pennsylvania, Southern New Jersey, and Delaware.

As a matter of public policy, swift passage of legislation to implement a federal ballast water management program is urgently needed. Legislation to address this important environmental issue has been pending in Congress for several years, and the House has already passed legislation this session that would create a federal ballast water program.

Without action by Congress on this important issue, ballast water management will become subject to the Clean Water Act on September 30 (due to a recent court decision), thereby providing individual states the opportunity to go beyond the federal law and create differing, and potentially contradictory, regulations on vessels. Most ships already must comply with differing standards from country to country, and a patchwork of state standards would be overly redundant, complicated, and unnecessarily expensive. While the Maritime Exchange supports strong ballast water management standards, we are gravely concerned about the potential impact of individual state requirements. As you can imagine, complying with the requirements of different state laws would be particularly onerous in the mid-Atlantic region, in which our waterway system is shared among four states.

Also of concern is the fact that Coast Guard does not play a lead role in enforcing the Clean Water Act; allowing the September 30 deadline to pass without action will put ballast water management in the jurisdiction of the Environmental Protection Agency, which has little experience regulating vessels.

We support setting a federal standard for ballast water discharge and giving the authority to enforce that standard to the Coast Guard, which has the expertise and experience to enforce the use of appropriate treatment technologies on vessels. We are opposed to allowing a federal program to be superseded by state programs.

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Having different standards and enforcement policies in individual states would put some ports at a competitive disadvantage and create havoc in maritime trade. In June 2007, the Senate Committee on Commerce, Science and Transportation approved legislation on this subject, but S. 1578 has not been scheduled for floor consideration. We respectfully request that our concerns regarding this issue be evaluated and addressed and urge you to bring this bill before the full Senate for action.

Thank you for the opportunity to express our views. Please feel free to contact me at dennis.rochford@maritimedelriv.com or at 215.925.2615 with any questions.

Sincerely,

A handwritten signature in black ink that reads "Dennis Rochford". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

Dennis Rochford
President

/Att.