

Appendix V
Summary of Comments Received and Responses
to Comments

Draft EIS Comments

The following table includes comments collected from the public concerning the Dry Cargo Residue Rulemaking. Comments were collected from May 23, 2008, to July 22, 2008.

Comments were collected electronically through the Web site for the docket management system at www.Regulations.gov. Additional comments were received by mail, personal delivery, and fax. These comments were processed and posted to the docket Web site.

Comments were also collected orally and in writing at two public meetings, which took place within the comment period.

The tracking numbers in the following table are unique for every commenter. Each point a given commenter made was labeled alphabetically. This system gives a unique identifier for every comment collected.

Each comment on the following table has its associated party, representative, category, date written, summary of the comment, and the response to the comment.

To find the original submitted comments, see Appendix T. Each original comment is labeled with the same tracking number used in the following table.

Tracking Number	Docket Number	Comment on	Representative	Comments Category	Date	Summary and Points:	Response
001a	805fb22c	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Anonymous	Legal	5/27/08	Wants the disposing of DCR in the Great Lakes to be illegal.	The Coast Guard has considered this and other comments that suggest the continued allowance of DCR discharges on the Great Lakes is or should be illegal under U.S. or international law. Existing U.S. law (Pub. L. 108-293, § 623) clearly authorizes continued discharges at least through September 2008, and gives the Coast Guard permanent regulatory authority "notwithstanding any other law" to regulate discharges after that date. The legislative history indicates that Congress expected the IEP to be made permanent or replaced with an alternative regime that appropriately balances maritime commercial and environmental protection needs. Canadian law is very similar to the IEP and to what we have proposed. We concluded in our DEIS that discharges can continue with minor adverse environmental impact. This comment did not result in a change to the EIS.
001b	805fb22c	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Anonymous	Legal	5/27/08	What is the DCR inspection process and enforcement procedures. How is integrity maintained?	The DCR inspection process was explained in the NPRM and Chapter 1.1.3 of the DEIS. The proposed procedure has been modeled after numerous similar programs administered by the Coast Guard including inspections for safety, garbage management, oily waste and fueling. These procedures have been developed and refined over several decades and have proven to be effective. Minor refinements in the DCR inspection may be implemented as the program matures and based on the history of the other inspection programs, the Coast Guard is confident that the integrity can be maintained. This comment did not result in a change to the EIS.
002a	80627c69	DCR Discharges in the Great Lakes; Notice of Public Meeting	D. Heaton	Statement	6/15/08	I fully appreciate to cargo residue is a very small percent of the tonnage moved on the Great Lakes. However, it is the stakeholders' obligation as good environmental stewards to minimize the amount of waste (including nontoxic) that is discharged in the Great Lakes.	The Coast Guard has considered this and other comments that express appreciation for the Great Lakes as a natural resource that should be protected. We agree, and while we concluded in our DEIS and NPRM that continued DCR discharges have only a minor and indirect impact and that prohibition of continued discharges could impose substantial economic costs, we expect compliance with our regulations, encourage the voluntary use of DCR control measures, and intend to open a new rulemaking to consider other regulatory measures to further reduce the volume of Great Lakes DCR discharges. This comment did not result in a change to the EIS.
002b	80627c69	DCR Discharges in the Great Lakes; Notice of Public Meeting	D. Heaton	Legal	6/15/08	A citizen can be fined up to \$50,000 for throwing household trash into the lakes, the commercial carriers should be held to same expectations - along w/commensurately proportional fines	The Coast Guard has considered this and similar comments. We take our mission of natural resource protection seriously. Unlike the release of household or boat trash, the prohibition of continued DCR discharges in the Great Lakes would impose verifiable economic costs to maritime commerce. As Congress intended, we have attempted in our proposal to strike an appropriate balance between the needs of maritime commerce and those of the environment. In discharging DCR, a maritime carrier must comply with our regulations or else be liable to 33 CFR part 151 penalties that are commensurate with the penalties imposed on other forms of illegal discharge. This comment did not result in a change to the EIS.

Tracking Number	Docket Number	Comment on	Representative	Comments Category	Date	Summary and Points:	Response
003a	80627a93	DCR Discharges in the Great Lakes; Notice of Public Meeting	Lyda Stillwell	Legal	6/15/08	Please do not allow cargo sweeping into the Great Lakes.	The Coast Guard acknowledges this and similar comments that expressed an opinion without providing additional data. This comment did not result in a change to the EIS.
003b	80627a93	DCR Discharges in the Great Lakes; Notice of Public Meeting	Lyda Stillwell	Biological Resources	6/15/08	DCR is harmful to the Great Lakes. Specifically points out invasive species.	The Coast Guard acknowledges this and similar comments relating to DCR's impact, especially as regards invasive species, that expressed an opinion without providing additional data. As we concluded in our NPRM's regulatory analysis, prohibiting continued DCR discharges in the Great Lakes would impose a substantial economic impact on industry. The environmental consequences of DCR discharge under all alternatives are discussed in Chapter 4 of the DEIS. The impacts of invasive mussel species are discussed in Sections 4.6.5 and 7.3.4 of the DEIS. The EIS indicates that the adverse environmental impact of continued DCR discharges, even with respect to invasive species like zebra and quagga mussels, is minor and indirect. We intend to open a new rulemaking that will consider requiring control measures to reduce DCR accumulation and the volume of DCR discharges. This comment did not result in a change to the EIS.
004a	8062640c	DCR Discharges in the Great Lakes; Notice of Public Meeting	Anne L. Fuller	Legal	6/14/08	Wants to see this practice discontinued at the expiration in September of 2008. Suggests sweeping/shoveling the decks to resolve the DCR issue.	The Coast Guard has considered this and other comments suggesting we should prohibit DCR discharges unless we also require the use of DCR control measures. As we concluded in the NPRM's Regulatory Analysis, prohibiting continued DCR discharges in the Great Lakes would impose a substantial economic impact on industry. Based on the extensive scientific investigations in the DEIS, continued dry cargo discharges are not currently causing any significant environmental harm. The environmental consequences of DCR discharge under all alternatives are discussed in Chapter 4 of the DEIS. We noted in the NPRM that, while we want to consider requiring control measures in the long term, we lack the requisite cost and effectiveness data to impose such requirements today. We will collect and analyze cost and effectiveness data for control measures in connection with the new rulemaking we intend to open, and anticipate completing that rulemaking within the 6- to 10-year short term. This comment did not result in a change to the EIS.
004b	8062640c	DCR Discharges in the Great Lakes; Notice of Public Meeting	Anne L. Fuller	Biological Resources	6/14/08	Concerned about invasive species.	Response identical to comment 003b.
004c	8062640c	DCR Discharges in the Great Lakes; Notice of Public Meeting	Anne L. Fuller	Biological Resources	6/14/08	Concerned about water quality effects of dumping iron ore, limestone, coal and especially salt.	The response to comment 003b also applies to this comment which provided no additional actionable data. As we concluded in our NPRM's regulatory analysis, prohibiting continued DCR discharges in the Great Lakes would impose a substantial economic impact on industry. The effects of salt are discussed in Section 4.5.1 of the FEIS. This comment resulted in no changes to the EIS.

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004d	8062640c	DCR Discharges in the Great Lakes; Notice of Public Meeting	Anne L. Fuller	Biological Resources	6/14/08	Who is to clean up if claims of dumping has a minor side effect is not correct?	We concluded in our NPRM and DEIS that the adverse environmental impact, now or in the future, of continued DCR discharges is minor and indirect and is not causing significant environmental harm. Given the information in the NPRM and DEIS, we consider this a speculative question. The environmental consequences of DCR discharge under all alternatives are discussed in Chapter 4 of the DEIS.
004e	8062640c	DCR Discharges in the Great Lakes; Notice of Public Meeting	Anne L. Fuller	Legal	6/14/08	BMPs will not be executed without incentives.	Response identical to comment 004a.
005a	8062979d	DCR Discharges in the Great Lakes; Notice of Public Meeting	Priscilla McDougal	Legal	6/16/08	The deposing of DCR in the Great Lakes should be illegal.	Response identical to comment 001a.
005b	8062979d	DCR Discharges in the Great Lakes; Notice of Public Meeting	Priscilla McDougal	Biological Resources	6/17/08	Concerned about salinity of the Great Lakes.	Response identical to comment 004c.
006a	8062c121	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Thomas and Suzanne Forsch	Statement	6/17/08	We must protect the Great Lakes for future generations.	Response identical to comment 002a.
006b	8062c121	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Thomas and Suzanne Forsch	Legal	6/17/08	The United States cannot display a bias towards companies. The interim dumping policy should be allowed to expire.	The Coast Guard agrees we should act without bias. We independently conducted the research supporting the DEIS, with the cooperation of the Environmental Protection Agency (EPA). Both the Coast Guard and the EPA are Federal agencies that derive their funding from Congress, not from industry. We acknowledge the commenter's position with respect to letting the IEP expire. This comment did not result in a change to the EIS.
007a	8062bb75	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Susan Wiltse	Legal	6/17/08	Wants the deposing of DCR in the Great Lakes to be illegal.	Response identical to comment 001a.
008a	8062f260	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Gina M. Lemon	Statement	6/12/08	The Leech Lake Band of Ojibwe does not have any concerns regarding sites of religious or cultural importance in this area.	The Coast Guard thanks the commenter. This information is noted and does not result in any changes to the EIS.

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008b	8062f260	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Gina M. Lemon	Cultural	6/12/08	Should any human remains or suspected human remains be encountered, all work shall cease. The following personnel should be notified immediately in this order: County Shrifts Office and Office of the State Archaeologist. If any human remains or culturally affiliated objects be inadvertently discovered this will prompt the process to which the Band will become informed.	Statement acknowledged. If found, all legal procedures will be followed. This comment did not result in a change to the EIS.
009a	8063a762	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Gail Krantzberg	Legal	6/24/08	Concerned about lack of incentive to practice BMP and encouraging more modern equipment.	Response identical to comment 004a.
010a	80651243	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Jacquiline Ladwein	Biological Resources	6/26/08	Concerned about the DCR effects on water quality within the Great Lakes.	Response identical to comment 004c.
010b	80651243	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Jacquiline Ladwein	Legal	6/26/08	Wants DRC to not be disposed in the Great Lakes. Suggests using sweeping and shoveling to resolve the DRC issue.	Response identical to comment 004a.
011a	80660ace	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lyb H James	Biological Resources	7/9/08	Has observed coal and green algae within the Great Lakes.	Response identical to comment 004c.
011b	80660ace	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lyb H James	Legal	7/9/08	Wants the disposing of DCR in the Great Lakes to be illegal.	Response identical to comment 001a.

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012a	80664e0f	DCR Discharges in the Great Lakes; Notice of Public Meeting	Steve W Trofimchuk	Legal	7/10/08	Wants the disposing of DCR in the Great Lakes to be illegal.	Response identical to comment 001a.
013a	80664829	DCR Discharges in the Great Lakes; Notice of Public Meeting	Christine C Ballard	Biological Resources	7/3/08	Water quality within the Great Lakes are at risk from many sources.	Response identical to comment 004c.
013b	80664829	DCR Discharges in the Great Lakes; Notice of Public Meeting	Christine C Ballard	Legal	7/3/08	Wants the disposing of DCR in the Great Lakes to be illegal.	Response identical to comment 001a.
014a	80662253	DCR Discharges in the Great Lakes; Notice of Public Meeting	Lynn S Contos	Legal	7/9/08	Wants the disposing of DCR in the Great Lakes to be illegal.	Response identical to comment 001a.
015a	80668cd4	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Christine Aiello	Legal	7/11/08	The proposed rule is illegal, because dry cargo residues fall under the description of garbage. The Coast Guard should be developing rules eliminate DCR.	Response identical to comment 001a.
015b	80668cd4	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Christine Aiello	Biological Resources	7/11/08	Many of the cargo residues -- especially iron ore and taconite -- contain mercury and other toxic metals that can harm natural habitats in the lakebeds, as well as the people who eat fish contaminated by the metals.	The Coast Guard has considered this and similar comments suggesting that DCR contains toxic or hazardous substances. The Coast Guard conducted sampling and testing of many DCR types and considers that existing DCR discharges in the Great Lakes are non-toxic and non-hazardous (DEIS, Chapter 4 and Appendices L and S). Existing or new dry cargo commodities that are identified as toxic or hazardous on regulatory agency lists would be prohibited under any Final Rule. This comment did not result in any changes to the EIS.
016a	806692f4	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Wes Knollenberg	Legal	7/11/08	Does not want the dumping of cargo (such as limestone, iron ore, coal, and grain) and/or garbage from commercial vessels into the Great Lakes.	Response identical to comment 003a.
016b	806692f4	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Wes Knollenberg	Statement	7/11/08	The Coast Guard should be working towards preventing the discharge of pollutants into our waters.	Response identical to comment 002a.
017a	80666b38	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Ruth F. Watts	Legal	7/10/08	Why do ships dump DCR into the Great Lakes? Just leave it in the hold. Pack it in and pack it out.	See DEIS Section 1.1.4 for a description of cargo handling and movement of dry bulk cargos. As indicated in that section the DCR discharged is only that which inadvertently falls on the deck or in the ship's tunnel during the loading and unloading operations. This comment did not result in any changes to the EIS.
018a	80668c59	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Anne M. Boggio	Legal	7/11/08	No dumping should be allowed in the Great Lakes.	Response identical to comment 003a.

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019a	80668650	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Jaclyn Smith	Biological Resources	7/11/08	Allowing ships to dump potentially harmful cargo residues into the Great Lakes, a practice that sends about 550 tons of coal, limestone, iron ore and taconite into their waters annually, will continue to destroy an already fragile ecosystem.	The effects on the ecosystem of each alternative are fully evaluated in DEIS Chapter 4. No significant effects were noted from past practices or predicted for alternatives. Insignificant adverse effects were noted and predicted for sediment physical structure, benthic community structure, and invasive mussels in Lakes Michigan and Huron. This comment did not result in any change to the EIS.
019b	80668650	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Jaclyn Smith	Biological Resources	7/11/08	Many of the cargo residues -- especially iron ore and taconite -- contain mercury and other toxic metals that can harm natural habitats in the lakebeds, as well as people who eat fish contaminated by the metals.	Response identical to comment 015b.
019c	80668650	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Jaclyn Smith	Legal	7/11/08	I vote no in allowing the dumping of potentially harmful cargo residues into the Great Lakes.	Response identical to comment 003a.
020a	80666c37	NPRM - Dry Cargo Residue Discharges in the Great Lakes	A. A.	Biological Resources	7/10/08	Why is there a Coast Guard policy allowing ships to dump potentially harmful cargo residues into the Great Lakes (550 tons of coal, limestone, iron ore and taconite) each year? I'm curious what is being done to protect lives.	The legal and regulatory aspects of Coast Guard action related to DCR discharge are fully explained in DEIS Section 1.1.1. This comment did not result in any changes to the EIS.
021a	80668a2a	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Julie E Kelso	Biological Resources	7/11/08	Many of the cargo residues -- especially iron ore and taconite -- contain mercury and other toxic metals that can harm natural habitats in the lakebeds, as well as people who eat fish contaminated by the metals.	Response identical to comment 015b.
022a	80666d04	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Kevin M. Baumgart	Legal	7/10/08	I would like to say "no" to Great Lakes cargo dumping.	Response identical to comment 003a.

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023a	80666ec8	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Joanne Bollinger	Biological Resources	7/10/08	I strongly oppose all dumping from boats into any of the Great Lakes. Our water is our most important resource and to foul it with toxic materials is unconscionable.	Response identical to comment 002a.
024a	80668eb5	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Anne H. Salisbury	Biological Resources	7/11/08	Taconite is toxic, causes cancer in people and animals.	Response identical to comment 015b.
024b	80668eb5	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Anne H. Salisbury	Legal	7/11/08	Please do not dump taconite or taconite tailings into any of the Great Lakes.	Response identical to comment 015b.
025a	80666b35	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lesley A. DuTemple	Legal	7/10/08	I would strongly urge you to ban all discharge from cargo ships in the Great Lakes, dry cargo and other.	Response identical to comment 003a.
025b	80666b35	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lesley A. DuTemple	Biological Resources	7/10/08	Within this region, it is an accepted fact that the zebra mussel infestation came from ship discharges -- we do not need any more non-native species, nor pollution, in our waters.	Response identical to comment 003b.
026a	80668b62	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Anonymous	Legal	7/11/08	Please keep the lakes clean, do not allow dumping of this material in the lakes.	Response identical to comment 003a.
026b	80668b62	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Anonymous	Economy	7/11/08	There would undoubtedly be new business created if regulations demand the safe removal of this material, which could also help the Great Lakes region economy.	The Coast Guard agrees that there could be economically beneficial side effects of prohibition, but it is unlikely that those side effects would outweigh the substantial economic costs of prohibition that we noted in the NPRM. This comment did not result in any changes to the EIS.
027a	806679e9	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Cyndi Laird	Legal	7/11/08	Please stop allowing ships to dump their cargo residue into the Great Lakes.	Response identical to comment 003a.
027a	806679e9	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Cyndi Laird	Biological Resources	7/11/08	The introduction of zebra mussels into the Great Lakes should be proof enough that allowing the dumping of any type of waste, whether it be cargo residue or ballast water, is dangerous.	Response identical to comment 003b.
028a	80666d2a	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Susan Knight	Legal	7/10/08	I urge you to prevent cargo dumping in the Great Lakes.	Response identical to comment 003a.

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028b	80666d2a	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Susan Knight	Biological Resources	7/10/08	Continued stressors to the Great Lakes can cause rapid changes and unexpectedly create a potentially moribund situation.	The impacts of DCR discharge combined with other stressors in the Great Lakes are addressed as cumulative impacts in DEIS Chapter 5 and in the FEIS in Chapter 4, though the substance of the analysis remained the same. This comment did not result in a change to the EIS.
029a	80666d2a	NPRM - Dry Cargo Residue Discharges in the Great Lakes	David D. Dunning	Legal	7/13/10 08	Wants the disposing of DCR in the Great Lakes to be illegal.	Response identical to comment 001a.
029b	80666d2a	NPRM - Dry Cargo Residue Discharges in the Great Lakes	David D. Dunning	Legal	7/13/10 08	The current policy of allowing DCR is being abused by the lake freighters. The current regulation requires the ship to be 5 1/2 miles off shore and this policy is being ignored. Several pictures were provided.	The Coast Guard thanks the commenter for this information but points out that the information furnished may not support a proper investigation long after it is alleged to have taken place. We ask you to promptly inform the nearest Coast Guard office if you observe a violation of any Coast Guard regulation so that investigation and enforcement can take place promptly. We have included new recordkeeping requirements in our proposal, to assist the Coast Guard in investigating alleged violations. This comment did not result in a change to the EIS.
029c	80666d2a	NPRM - Dry Cargo Residue Discharges in the Great Lakes	David D. Dunning	Biological Resources	7/13/10 08	What happens to the vegetation and animal life when this discharged material settles on it?	Response identical to comment 019a.
029d	80666d2a	NPRM - Dry Cargo Residue Discharges in the Great Lakes	David D. Dunning	Biological Resources	7/13/10 08	What happens to the pH of the water with lime contamination?	As described in DEIS Chapter 4, the discharge of DCR is diluted at a ratio of over 10,000 parts lake water to 1 part DCR sump slurry or deck sweeping. At this ratio there would be no change in the hydrogen ion concentration or any other water chemistry factor which would affect lake pH. This comment did not result in a change to the EIS.
029e	80666d2a	NPRM - Dry Cargo Residue Discharges in the Great Lakes	David D. Dunning	Statement	7/13/10 08	These discharges are unnecessary because the limestone quarry has settling ponds that currently receive the fines from the crusher which is only a couple hundred feet from the ships. If it is desired to dump the limestone waste from the ships, the material could easily be pumped to the crusher for treatment.	The no action alternative addresses a scenario of discharging the DCR to a treatment system similar to the ponds cited in the comment. The impacts of this scenario are described in DEIS Chapter 4. This comment did not result in a change to the EIS.
030a	80671d06	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Kelly A Mitchell	Statement	7/14/10 08	Dumping anything in the Great Lakes is bad, which was proved by Lake Erie in the 20th century.	Response identical to comment 002a.

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031a	8066ae19	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Deanna Hotchner	Biological Resources	7/11/08	Many of the cargo residues -- especially iron ore and taconite -- contain mercury and other toxic metals that can harm natural habitats in the lakebeds, as well as people who eat fish contaminated by the metals.	Response identical to comment 015b.
031b	8066ae19	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Deanna Hotchner	Biological Resources	7/11/08	The environmental effects of cargo sweeping are largely unknown.	The environmental consequences of DCR discharge under all alternatives are evaluated in Chapter 4 of the DEIS and are supported by all appendices attached to the EIS. The impacts of DCR discharge combined with other stressors in the Great Lakes are addressed as cumulative impacts in Chapter 5 of the DEIS and Chapter 4 of the FEIS. This comment did not result in a change to the EIS.
031c	8066ae19	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Deanna Hotchner	Legal	7/11/08	Allowing DCR violates international agreements against dumping waste from ships.	Response identical to comment 001a.
031d	8066ae19	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Deanna Hotchner	Legal	7/11/08	Would like the dumping of DCR to be illegal.	Response identical to comment 001a.
032a	8066bb87	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Erin M Smith	Legal	7/12/08	Please do not permit cargo sweeping in the Great Lakes. Ask businesses to take responsibility for their waste and protect our important natural resources.	The Coast Guard acknowledges this comment which presented no actionable new data. As we concluded in the NPRM's Regulatory Analysis, prohibiting continued DCR discharges in the Great Lakes would impose a considerable economic impact on industry. Based on the extensive scientific investigations in the DEIS, continued dry cargo discharges are not causing any significant environmental harm. The environmental consequences of DCR discharge under all alternatives are discussed in Chapter 4 of the DEIS. Industry is already responsible for complying with the IEP, and under the NPRM would be responsible for recordkeeping to show their compliance with our regulations. The NPRM proposed the encouragement of voluntary control measures. This comment did not result in a change to the EIS.
033a	8066f5be	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Rosemary Grier	Legal	7/13/08	Dry cargo residues should not be dumped in the Great Lakes and St. Lawrence River, as it falls under the description of garbage and is in violation of the domestic and international law.	Response identical to comment 001a.

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033b	8066f5be	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Rosemary Grier	Legal	7/13/08	The Coast Guard needs to develop rules to set standards and deadlines to eliminate the DCR dumping into the Great Lakes system.	The responses to comments 001a and 002a also apply to this comment: This comment did not provide new actionable data. This comment did not result in a change to the EIS.
034a	8066b7d7	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Frank C Gravelyn	Legal	7/12/08	Why is DCR allowed?	The factual and regulatory background of current DCR practices was fully explained in the DEIS and NPRM. The Coast Guard's rationale is fully explained elsewhere in this document. This comment did not result in a change to the EIS.
034b	8066b7d7	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Frank C Gravelyn	Biological Resources	7/12/08	Natural products such as coal and limestone seem perfectly innocuous to dump into our lakes, however, in any large quantity the impact on the ecosystem isn't known.	Response identical to comment 019a.
034c	8066b7d7	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Frank C Gravelyn		7/12/08	Material such as taconite and iron-ore that may contain lead or mercury and are a concern.	Response identical to comment 015b.
034d	8066b7d7	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Frank C Gravelyn	Economy	7/12/08	Exactly what economic hardship would a company face if it was precluded from simply dumping these items in the lakes? And, how does that hardship balance against any additional contamination of the Great Lakes with heavy metals?	The description of economic impacts of the No Action alternative (DEIS Section 4.7.1.5) describes the economic impacts resulting from the prohibition of DCR discharge. The comparison of economic and natural resource impacts of No Action and other alternatives is described in DEIS Chapter 7. This comment did not result in a change to the EIS.
034e	8066b7d7	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Frank C Gravelyn	Statement	7/12/08	I would ask that you create new regulations not based on what is easy, or what has always been done, but on what is in the best long term interests of the people who enjoy and rely on the waters of the Great Lakes.	Statement acknowledged. This comment did not result in a change to the EIS.
035a	8067e47e	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Janet M O'Connel	Legal	7/16/08	DCR dumping should be illegal.	Response identical to comment 001a.
035b	8067e47e	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Janet M O'Connel	Legal	7/16/08	Currently, this practice allows chemicals of various sorts to be dumped, many containing toxic substances harmful to the ecosystem.	Response identical to comment 015b.

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035c	8067e47e	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Janet M O'Connell	Biological Resources	7/16/08	Taconite is toxic and causes cancer. Provided extensive references.	Response similar to comment 015b. The primary health risk associated with asbestos is from the inhalation of asbestos fibers. Asbestos fibers do not dissolve in water or evaporate, although one can be exposed to asbestos by drinking asbestos fibers that are present in water. If one swallows asbestos fibers in water, nearly all of the fibers pass along the intestines within a few days. Studies on humans and animals indicate that ingestion of asbestos causes little or no risk of noncarcinogenic injury and the relative risk of gastrointestinal cancer in populations consuming drinking water at concentrations of 1–200 MFL is low, and would likely not be consistently detectable in epidemiological studies (ATSDR, 2001).
							EPA has proposed a limit of 7 million fibers per liter on the concentration of long fibers (length greater than or equal to 5 µm) that may be present in drinking water (ATSDR, 2001). Therefore, any public water utilities withdrawing water from the Great Lakes must meet this limit. Considering the amount of dilution that occurs when DCR is discharged (greater than 25,000 parts lake water to every part DCR discharged, Appendix P) and that drinking water utilities must meet the EPA limit for asbestos, there is little risk associated with asbestos in any DCR discharge.
							ATSDR (Agency for Toxic Substances and Disease Registry). 2001. TOXICOLOGICAL PROFILE FOR ASBESTOS, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, Public Health Service Agency for Toxic Substances and Disease Registry, September 2001.
036a	8067beb7	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Mark	Legal	7/16/08	Want DCR dumping to be illegal	Response identical to comment 001a.
036b	8067beb7	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Mark	Biological Resources	7/16/08	Further study is merited only if new Great Lakes dry-bulk cargo trade materializes.	The Coast Guard has considered this and similar comments objecting to mandatory recordkeeping and reporting. While voluntary recordkeeping has been successful under the IEP, we believe comprehensive mandatory recordkeeping and reporting requirements will better help us monitor trends in DCR discharges and receive timely, comprehensive information about DCR control measures, in support of the new rulemaking we are opening to study the cost and effectiveness of those measures. Existing studies do not provide sufficient data on control measures, and cannot address whether future trends in DCR discharges could require further regulatory action. Because our need for the reports is tied to our new rulemaking, once we have collected the data we need for that rulemaking, we anticipate removing the reporting requirement. This comment did not result in a change to the EIS.

Tracking Number	Docket Number	Comment on	Representative	Comments Category	Date	Summary and Points:	Response
037a	8067735e	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Lloyd and Clare Goyings	Legal	7/16/08	Want DCR dumping to be illegal	Response identical to comment 001a.
038a	Duluth01	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Jim Sharrow	Statement	7/15/08	Duluth Seaway Port Authority is supportive of the EIS process.	Statement acknowledged. This comment did not result in a change to the EIS.
038b	Duluth01	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Jim Sharrow	DCR Records	7/15/08	Recording man hours can vary greatly the interpretation. It will be unusable data, and takes time to collect.	The man hour data to be provided by vessel masters will enable the Coast Guard to better estimate the burden of implementing DCR control measures. The information will provide a benchmark for measuring DCR man hours for the different alternatives under consideration. This comment did not result in a change to the EIS.
038c	Duluth01	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Jim Sharrow	DCR Records	7/15/08	The DCR should be recorded in cubic feet and not cubic meters because it is doubtful that any ship would ever actually discharge one cubic meter of material.	The Coast Guard will supply guidance with respect to measurement equivalents. This comment did not result in a change to the EIS.
039a	Duluth02	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Glen Nekrasil	Statement	7/15/08	Supports the DEIS recommended alternative.	Statement acknowledged. This comment did not result in a change to the EIS.
039b	Duluth02	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Glen Nekrasil	Legal	7/15/08	Why make a rule to encouragement for vessel operators to voluntarily use DCR control measures. The operators are already doing this.	Voluntary implementation of DCR controls have been an important part of the IEP since it was first issued in 1993 and has been successful. Encouragement is intended to recognize the successful efforts of carriers and shoreside facilities that have already implemented controls, encourage them to adopt effective new controls as they become available, and perhaps motivate those carriers and facilities that may not have not kept pace with others in these voluntary efforts. This comment did not result in a change to the EIS.
039c	Duluth02	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Glen Nekrasil	DCR Records	7/15/08	Why make a rule for mandatory territory record-keeping we're now doing on a voluntary basis.	Response identical to comment 036b.
039d	Duluth02	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Glen Nekrasil	Legal	7/15/08	There is no need for additional studies. The studies have gone on for years and the material that the DCR consists of has been the same for approximately 100 years.	Response identical to comment 036b.

Tracking Number	Docket Number	Comment on	Representative	Comments Category	Date	Summary and Points:	Response
040a	Duluth03	Undeclared	Tim Musick	Biological Resources	7/15/08	Park point is that spit of sand that goes out and separates our harbor from the lake. Coal has been found on the beach in front of a residential house at this location.	Currently, coal in the form of DCR has a higher specific gravity than water (1.4 for Coal DCR and 1.0 for water, as described in DEIS Appendix L) and thus generally sinks to the bottom of the lake rather than washing up on shore (FEIS section 3.2.7). Under all alternatives and the NPRM's proposed regulation, coal discharges from vessels would be restricted near shore, and thus would minimize the potential for coal from vessels to wash up on shore. This comment did not result in a change to the EIS.
040b	Duluth03	Undeclared	Tim Musick	Biological Resources	7/15/08	Back in the mid '90s a study involving sidescan sonar on Lake Superior found much debris in the shipping lanes. This is just a continuation of throwing things off these ships.	Statement acknowledged.
040c	Duluth03	Undeclared	Tim Musick	Economy	7/15/08	This calculation that computes an additional cost of 51 million dollars for cleaning the ship on shore seems overly conservative and does not consider mechanical sweepers or vacuum systems on shore facilities or from on shore facilities.	The Coast Guard's DEIS and NPRM data suggest that the cost of removing all DCR in port with relatively simple "broom and shovel" methods would be considerable, especially when compared to the much smaller costs estimated for the proposed rule. The cost and effectiveness of mechanical sweepers and vacuum systems can be investigated in the new rulemaking that the Coast Guard will open simultaneously with publication of the final rule, but presumably would be at least as large as those estimated for broom and shovel cleaning, even if those costs would be borne by shoreside facilities rather than directly by carriers. This comment resulted in no change to the EIS.
040d	Duluth03	Undeclared	Tim Musick	Legal	7/15/08	When it comes to a spill, the responsible party should clean it.	Statement acknowledged.
040e	Duluth03	Undeclared	Tim Musick	Safety	7/15/08	Leaving DCR on the deck until 13 miles away from shore is an important safety issue. To be safe, the DCR needs to be removed before the ship leaves the dock.	The practice over the last 15 years (since the IEP) has been to prohibit most DCR deck washing operations from near shore areas. Carriers have been able to adhere to this restriction without compromising safety. Thus no impacts on safety are anticipated from such restrictions in the future. This comment did not result in a change to the EIS.
041a	806836a9	NPRM - Dry Cargo Residue Discharges in the Great Lakes	W. R Thuma	Legal	7/18/08	DCR should be illegal.	Response identical to comment 001a.
041b	806836a9	NPRM - Dry Cargo Residue Discharges in the Great Lakes	W. R Thuma	Biological Resources	7/18/08	DCR diminishes water quality.	Response identical to comment 004c.
042a	80683be0	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Debra K Shanklan	Legal	7/18/08	DCR should be illegal.	Response identical to comment 001a.

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042b	80683be0	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Debra K Shanklan	Biological Resources	7/18/08	DCR introduces toxic mercury and other waste into the drinking water of millions of people.	Response identical to comment 015b.
042c	80683be0	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Debra K Shanklan	Legal	7/18/08	Voluntary control measures do not work. As long as control is optional, there is no incentive for shippers to control their waste dumping.	Response identical to comment 004a.
043a	8067e87e	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Wayne Bigelow	Legal	7/16/08	Cargo sweeping should be illegal.	Response identical to comment 001a.
044a	8068520c	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Fred, L. Shusterich, President	Legal	7/18/08	Midwest Energy Resources Co. voluntarily has implemented facility control measures for a long time.	Statement acknowledged. This comment did not result in a change to the EIS.
044b	8068520c	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Fred, L. Shusterich, President	Legal	7/18/08	Midwest Energy Resources Co. supports the longstanding practice of dumping DCR into the Great Lakes because of the low quantities and that DCR is barely detectable within the environment.	Statement acknowledged. This comment did not result in a change to the EIS.
044c	8068520c	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Fred, L. Shusterich, President	Legal	7/18/08	The proposed rulemaking does slightly expand the area where wash down is prohibited. While the DEIS found that wash down in these areas would not have major environmental consequences, Midwest Energy Resources Co. supports these additional measures.	Statement acknowledged. This comment did not result in a change to the EIS.
044d	8068520c	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Fred, L. Shusterich, President	DCR Records	7/18/08	Mandatory recordkeeping is unnecessary because years of data voluntarily provided by shippers already exists.	Response identical to comment 036b.
044e	8068520c	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Fred, L. Shusterich, President	Legal	7/18/08	Further study is merited only if new Great Lakes dry-bulk cargo trade materializes.	Response identical to comment 036b.

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044f	8068520c	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Fred, L. Shusterich, President	Legal	7/18/08	A zero discharge policy scenario suggests wash down water could be pumped to a treatment facility at the loading or discharge dock. This would be a considerable expense and again, unnecessary given the benign nature of the practice. We also much notes some of our facilities are in remotes locations, so it would be impractical to build and operate such treatment systems.	Statement acknowledged. This comment did not result in a change to the EIS.
045a	80683941	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Prof. David Ramsay	Legal	6/26/08	Since pleasure boater that throw trash into the Great Lakes can face fines up to \$50,000 and five years in jail, then it is contradictory to allow ships to dump their cargo residues.	Response identical to comment 002b.
045b	80683941	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Prof. David Ramsay	Legal	6/26/08	The Coast Guard plans to study the DCR issue for another three years before determining if the cargo sweeping contaminate the water quality or harm aquatic life. However, waiting three years to complete the study contradicts the Coast Guard statement that, "No matter how minor that risk may be, proper environmental stewardship may require us to take additional steeps to reduce the environmental impact of continued dry cargo residue discharges."	Response identical to comment 004a.
045c	80683941	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Prof. David Ramsay	Legal	6/26/08	The Coast Guard documents note that shippers could deal with DCR with little added cost by sweeping and shoveling the material off ship decks instead of washing it into the lakes.	Response identical to comment004a.

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045d	80683941	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Prof. David Ramsay	Legal	6/26/08	This practice violates U.S. and Canadian environmental laws and international treaties including the Great Lakes Water Quality Act.	Response identical to comment 001a.
046a	Cleve001	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Glen Nekvasil	Statement	7/17/08	Supports the DEIS recommended alternative.	Statement acknowledged. This comment did not result in a change to the EIS.
046b	Cleve001	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Glen Nekvasil	Statement	7/17/08	The Lake Carriers' Association understands the rationale for the slight expansion of the no discharge zones. However, please note that the DEIS said that if it had been continued in those area, the impacts would have been almost imperceptible.	Statement acknowledged. This comment did not result in a change to the EIS.
046c	Cleve001	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Glen Nekvasil	Legal	7/17/08	Why make a rule to encouragement for vessel operators to voluntarily use DCR control measures. The operators are already doing this.	Response identical to comment 039b.
046d	Cleve001	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Glen Nekvasil	DCR Records	7/17/08	Why make a rule make a rule for mandatory territory record-keeping we're now doing on a voluntary basis.	Response identical to comment 036b.
046e	Cleve001	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Glen Nekvasil	Legal	7/17/08	There is no need for additional studies. The studies have gone on for years and the material that the DCR consists of has been the same for approximately 100 years.	Response identical to comment 036b.
047a	806877d2	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Anonymous	Legal	7/19/08	Wants more restrictions on DCR. Recommends collecting and treating the DCR on shore, and having those shipping the cargo absorb the cost of DCR treatment.	Response identical to comment 004a.
048a	80688c97	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Linda L. Rulison	Legal	7/20/08	Wants the Cost Guard to stop allowing DCR.	Response identical to comment 003a.
048b	80688c97	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Linda L. Rulison	Biological Resources	7/20/08	DCR is harmful to the environment.	Response identical to comment 004c.

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048c	80688c97	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Linda L. Rulison	Legal	7/20/08	DCR is illegal.	Response identical to comment 001a.
049a	8068a1bb	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Stuart H. Theis, Executive Director	Mapping	7/21/08	Would like the DEIS to include a maps showing any sensitive areas previously designated and the six new sensitive area now so designated. By using actual maps, possible overlays and/ or distinguishing colors as to what areas are covered and where, a reader can more effectively understand the size and scope of the newly defined areas as well as see and differences from previous identified areas.	The Coast Guard intends to provide supplemental guidance after issuance of the final rule. This comment did not result in a change to the EIS.
049b	8068a1bb	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Stuart H. Theis, Executive Director	DCR Records	7/21/08	The recommended new record keeping policy requirements are burdensome on the operators, have low utility, and will detract new commerce to the region.	Response identical to comment 036b.
050a	8068a380	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Ann E. Baughman	Legal	7/21/08	Would like DCR to be eliminated.	Response identical to comment 003a.
050b	8068a380	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Ann E. Baughman	Legal	7/21/08	DCR is illegal.	Response identical to comment 001a.
050c	8068a380	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Ann E. Baughman	Biological Resources	7/21/08	DCR is harmful to the ecosystem.	Response identical to comment 004c.
051a	8068aaf1	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	James H. I. Weakley, President	Biological Resources	7/18/08	The washdown of DCR will not degrade the Great Lakes environment.	Response identical to comment 004c.
051b	8068aaf1	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	James H. I. Weakley, President	Legal	7/18/08	DCR is not dumped in high volumes because vessel operators have financial incentive to as much cargo as possible. Two previous USCG studies have documented deceased DCR due to voluntary improved performance. Belt scrapers and shovels are being used.	Statement acknowledged. This comment did not result in a change to the EIS.

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051c	8068aaf1	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	James H. I. Weakley, President	Biological Resources	7/18/08	Much of the raw material that move on the Lakes are shipped in their natural state. Only iron ore (taconite pellets) require binding agent during the pelletizing process.	Statement acknowledged. This comment did not result in a change to the EIS.
051d	8068aaf1	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	James H. I. Weakley, President	Biological Resources	7/18/08	None of these cargos are toxic or hazardous.	Statement acknowledged. This comment did not result in a change to the EIS.
051e	8068aaf1	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	James H. I. Weakley, President	Legal	7/18/08	Though the DEIS indicate that DCR sweepings have a minor environmental impact on specific sensitive areas, the Lake Carriers' Association does not object to the additional no discharge areas.	Statement acknowledged. This comment did not result in a change to the EIS.
051f	8068aaf1	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	James H. I. Weakley, President	DCR Records	7/18/08	Recording keeping is unnecessary because there is nothing left to study. DCR dumping has been a practice for a long time.	Response identical to comment 036b.
051g	8068aaf1	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	James H. I. Weakley, President	Economy	7/18/08	Billions of tons of DCR have been dumped into the Lakes over the last 100 pulse years. The samples and tests on the water show no long-term impact of DCR sweeping. There fore, no further study is needed unless a new cargo trade develop.	Response identical to comment 036b.
051h	8068aaf1	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	James H. I. Weakley, President	Economy	7/18/08	The No Action alternative should not be considered because the economic impact would shift the modes of transportation to those of greater environmental and societal impacts. Trains and trucks use more fuel and produce more emissions than ships and tug/barge units.	Statement acknowledged. Consideration of the No Action alternative is required by National Environmental Policy Act. This comment did not result in a change to the EIS.

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051i	8068aaf1	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	James H. I. Weakley, President	Biological Resources	7/18/08	The No Action alternative assumes wastewater pretreatment facilities would be built. However, many docks are in remote location and do not have unused space to fit such facilities. Also, connection to local sewer lines might increase combined sewer overflows.	Statement acknowledged. This comment did not result in a change to the EIS.
052a	8068b2d9	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Judith R. Johnston	Legal	7/21/08	Wants and end to DCR dumping.	Response identical to comment 003a.
052b	8068b2d9	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Judith R. Johnston	Biological Resources	7/21/08	Many of the cargo residues -- especially iron ore and taconite -- contain mercury and other toxic metals that can harm natural habitats in the lakebeds, as well as people who eat fish contaminated by the metals.	Response identical to comment 015b.
052c	8068b2d9	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Judith R. Johnston	Legal	7/21/08	DCR is illegal.	Response identical to comment 001a.
053a	8068b367	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Neely H. Bostick	Biological Resources	7/21/08	USCG said that they would evaluate floating metallurgical coke from DCR sweeping. It is likely that 10 ton of coke would float. Metallurgical coke is a very specialized cargo so shipping routes would be few. Some evidence of coke DCR accumulation in shore sediments is likely. There is much toxic material produced in the manufacture of coke.	Coke has a lower specific gravity than water (0.77 for coke and 1.0 for water) and thus may float on the lake and wash up on shore. Strict enforcement of the proposed DCR rule would restrict near shore discharges of coke from vessels and thus minimize the potential for coke to wash up on shore. Since coke accounts for only 1.5% of the total amount of cargo transported on the Great Lakes, only a small amount would be discharged from vessels and potentially reach the shores. If near shore discharges are also restricted, the small amount reaching the shores would also be greatly dispersed. Since by-products, such as polyaromatic hydrocarbons, are driven off from coal in the production of coke, the toxicity of coke is expected to be less than coal which as described in Appendix S is minimal. The potential impacts on shore are expected to be less than the impacts of coal because the discharge of coke is only a small fraction of the coal DCR discharged. This comment did not result in a change to the EIS.

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054a	8068cf6e	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Carline Gravel	Legal	7/22/08	Suggest replacing the expression "cargo sweeping" with "cargo disposal". Since may incur some confusion for a foreign ship master as to what is actually allowed under the policy.	Acknowledged. In the FEIS, we changed the term "sweeping" to the term "discharge".
054b	8068cf6e	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Carline Gravel	Legal	7/22/08	Green Marine's environmental program includes DCR best management practices, and if Coast Guard eventually credits carriers who voluntarily adopt control measures, these program requirements should be specifically recognized and credited.	Acknowledged. This comment could be considered for future rulemakings. This comment did not result in a change to the EIS.
054c	8068cf6e	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Carline Gravel	Legal	7/22/08	Quarterly reporting would be unmanageable for vessels transiting U.S. waters of the Great Lakes only occasionally; instead, vessels should report only when leaving the Great Lakes, via email or to the Coast Guard at Massena, NY.	The Coast Guard needs comprehensive and timely data in order to move ahead with our new rulemaking's analysis of control measures and discharges. Semiannual or annual reports would not provide data in a sufficiently timely way and would delay the new rulemaking. Once our data collection requirements for the new rulemaking have been met, we anticipate removing the reporting requirement but will retain the recordkeeping requirement, which is similar to MARPOL Annex V's garbage record book requirement. We point out that the commenter's recommendation could result in some carriers having to file reports more frequently than once a quarter. This comment did not result in a change to the EIS.
055a	8068d270	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Lawrence J. Toth	Legal	7/22/08	Continued sweeping violates the Pennsylvania Clean Stream Law.	The Coast Guard considers our statutory authority broad enough to implement regulations for DCR discharges in the Great Lakes notwithstanding any other existing U.S. law. We understand that at least some States in the Great Lakes region contend that they have laws that would bar further DCR discharges in their Great Lakes waters. To clarify our federalism statement in accordance with our responsibilities and principles as contained in EO 13132 regarding Federalism, the Coast Guard states that this proposal does not expressly preempt those state laws. Nor does the Coast Guard by promulgating this regulation take the position that such state laws facially frustrate an overriding federal purpose. However, the ultimate question regarding preemption of state laws is a legal question that is subject to court interpretation and decision based on the application of particular facts to those individual laws. Therefore we do not think a detailed listing such as the commenter requests is necessary in our FEIS. Because no court has ruled on the questions raised, the Coast Guard cautions carriers that they must comply with all applicable Fed

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055b	8068d270	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Lawrence J. Toth	Legal	7/22/08	The preferred alternative is inconsistent with the Clean Water Act and the proposed NPDES Vessel General Permit for Discharges Incidental to the Normal Operation of Commercial Vessels issued by the USEPA.	The Coast Guard and EPA are in consultation on this matter. Should EPA eventually adopt a more restrictive approach, the two agencies will make it clear how that affects the Great Lakes. Elsewhere, we have fully addressed our regulatory authority in relation to other laws. This comment did not result in a change to the EIS.
055c	8068d270	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Lawrence J. Toth	Legal/ DCR records	7/22/08	Suggests replacing the preferred alternative with a combination of alternative 4 and 5. Alt. 4 requires structural, mechanical and operation changes on ships, and Alt 5 requires shoreside measures at port facilities. Wants recordkeeping to be mandatory and not voluntary.	A combination of alternatives is possible, but the Coast Guard's preferred alternative remains the same as it was in the DEIS. Recordkeeping would be mandatory under Alternatives 2 through 5, which includes the Coast Guard's preferred alternative. The Coast Guard agrees that DCR control measures and possible additional modifications to exclusion areas should be studied further. This study can include consideration of whether new measures should be phased in to lessen their economic impact. Simultaneously with publication of any Final Rule, we will open a new rulemaking to undertake that study. This comment did not result in a change to the EIS.
055d	8068d270	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Lawrence J. Toth	Legal	7/22/08	The Final EIS should contain a listing of all international agreements, Canadian laws, federal and state laws (U.S.) that regulate the discharges into the Great Lakes' waters, and a discussion on whether each of these laws/ agreements prohibit the discharge of DCR into Great Lakes' waters.	Response identical to comment 055a.

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055e	8068d270	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Lawrence J. Toth	Biological Resources	7/22/08	DEIS considered DCR discharges' potential for providing additional invasive mussel colonization habit, but failed to address the risk of dispersing invasive organisms already present in the dry bulk cargo, cargo holds, ship decks, and cargo handling equipment.	No aquatic invasive species could initially be associated with the cargo because it is produced and stored on land. However, lake water used for dust suppression or washing during loading or unloading could contain planktonic forms of invasive species (such as mussel veligers). These forms could possibly reside in the cargo hold during transport and be released during unloading and washing. However, conditions are far less than optimum in the cargo hold and survival would be extremely limited at best. It is possible, though highly unlikely that planktonic forms of invasive species could be transported from loading areas to other areas of the lake. The planktonic larval forms of invasive mussels (veligers) are dense and ubiquitous in the Great Lake Waters (see Appendix Q). Thus they are available for colonization virtually where ever conditions are suitable and introduction of additional mussels would not affect the density or distribution of mussels. Only creating suitable habitat for mussels would affect the density of distribution, thus this was the focus of the EIS. This comment did not result in a change to the EIS.
055f	8068d270	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Lawrence J. Toth	Biological Resources	7/22/08	Dry bulk cargo may in fact be wet as a result of rain, snow, or spraying for dust suppression, and this could serve as a potential dispersal vector for certain invasive and should be evaluated in the FEIS.	Response identical to comment 055e.

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055g	8068d270	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Lawrence J. Toth	Biological Resources	7/22/08	Certain ecologically important (e.g., lake trout) and recreationally important (e.g., smallmouth bass) fish species are known to spawn on rocky substrate in the nearshore zone of the Pennsylvania's Lake Erie waters. A potential for the physical fouling of spawning ground sites exists if continued discharges of certain DCRs (e.g., limestone) are allowed to continue in the nearshore zones. Discuss impact that DCRs will have upon nearshore spawning ground sites. Discharge of limestone and other clean stones should not be allowed to continue within 3 statute miles of shore.	The impact of discharging limestone/clean stone within 3 miles of shore was evaluated. It was concluded for alternatives that allowed such discharge there would be an insignificant (i.e. minor) adverse impact (DEIS Chapter 4). The prohibition of such discharges was considered in Alternative 3, Modified Exclusion Zones and found to eliminate the insignificant impact. This comment did not result in a change to the EIS.
055h	8068d270	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Lawrence J. Toth	Legal	7/22/08	The commenter would like a copy of the Final EIS.	The FEIS will be posted on www.regulations.gov website. This comment did not result in a change to the EIS.
056a	8068d498	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Paul Eger	Legal	7/21/08	Unless preempted by Federal law, DCR disposal in Minnesota waters may be subject to administrative or judicial penalties for violation of Minnesota law.	Response identical to comment 055a.

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056b	8068d498	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Paul Eger	Biological Resources	7/21/08	The washing of taconite dust or coal and other DCR into Lake Superior causes excessive suspended solids during and after the discharge. The Coast Guard is incorrect in its assumption that these material will not remain in suspension and that the dumping of these material will not cause nuisance conditions in the coastal waters. Coal has been observed and collected by the MPCA on the shoreline beach of Minnesota Point, Duluth.	Response identical to comment 040a.
056c	8068d498	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Paul Eger	Legal	7/21/08	Coast Guard's proposal appears to conflict with EPA's proposed general permitting for commercial and large recreational vessels (www.Regulations.gov, Docket EPA-HQ-OW-2008, sec. 2.2.1), because the EPA permit would require decks to be clear of debris, garbage, residue, and spills prior to conducting deck washdowns or departing from port.	Response identical to comment 055b..
056d	8068d498	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Paul Eger	Legal	7/21/08	The Federal Register public notice on the proposed dry cargo residue rule states "does not have implications for federalism" However, since the proposed rule appears to preempt Minnesota State law as described above, implications for federalism are present.	Response identical to comment 055a.

Tracking Number	Docket Number	Comment on	Representative	Comments Category	Date	Summary and Points:	Response
056e	8068d498	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Paul Eger	Legal	7/21/08	Roles and responsibilities of the onshore loading facilities need to be elaborated upon in the DEIS if the DCR dumping issues is to be resolved. Adoption of the proposed rule would create a disincentive for the onshore loading facilities to improve material handling techniques.	The Coast Guard disagrees that shoreside facilities have no incentives for improving material handling techniques. The Coast Guard has permanent regulatory authority over DCR vessel discharges in the Great Lakes, and because in the future we could use that authority to mandate the use of DCR control measures, we believe it is in the interest of both carriers and shoreside facilities to voluntarily reduce DCR so that further regulatory action does not become necessary. This comment did not result in a change to the EIS.
057a	8068d4e8	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Don Morrison	Legal	7/21/08	DCR and cargo sweeping are not synonymous terms and clearly defining these terms will be important in ensuring uniform application of rule.	The Coast Guard agrees that "DCR" and "cargo sweeping" are not always synonymous. The term "discharge" is in line with MARPOL Annex V terminology and we will use that term consistently in any Final Rule's regulatory text in order to eliminate any possible confusion. This change has been reflected in the FEIS.
057a	8068d4e8	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Don Morrison	DCR Records	7/21/08	Carriers do not have authority to employ or require DCR control measures and should not be required to document which shoreside measures are used or the time needed to implement them; Coast Guard should obtain that information directly from shoreside facilities.	The Coast Guard believes that, while carriers are not directly responsible for the DCR control measures employed by shoreside facilities, they are well positioned to obtain the necessary information from these facilities, which depend on carrier business and which generally have longstanding relationships with carriers. This comment did not result in a change to the EIS.
057b	8068d4e8	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Don Morrison	DCR Records	7/21/08	NPRM does not convincingly show the benefits to be gained from additional DCR recordkeeping.	Response identical to comment 036b.
057c	8068d4e8	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Don Morrison	Mapping	7/21/08	Coast Guard should provide geographical coordinates of the six sensitive areas to be added to no-discharge zones, and consider producing charts to illustrate those zones.	The Coast Guard agrees and intends to provide supplemental guidance. This comment did not result in a change to the EIS.
057d	8068d4e8	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Don Morrison	Legal	7/21/08	Table 151.66(B) refers to "other" substances besides coal, iron ore, salt, stone, and cement; Coast Guard should provide a framework for determining what "other" DCR can be discharged.	The proposed regulatory text outlines discharge prohibitions and allowances for "all other cargos" that are not specifically named in the table. Only non-toxic, non-hazardous cargo residues meeting the definition of "dry bulk cargo residue" as defined in the NPRM will be allowed to be discharged as specified in this regulation. This comment did not result in a change to the EIS.

Tracking Number	Docket Number	Comment on	Representative	Comments Category	Date	Summary and Points:	Response
057e	8068d4e8	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Don Morrison	DCR Records	7/21/08	Recordkeeping form – location of “estimated residue to be swept into water” should be changed to avoid misleading form users into thinking in-port discharges are acceptable.	In any Final Rule, the Coast Guard will modify the heading in the column to read, "Estimated residue to be discharged." A third footnote will be added stating: "Estimated residue after loading and unloading operations to be discharged in accordance with 33 CFR 151.66," to emphasize that the form is intended to monitor compliance with applicable regulations and does not authorize discharges that those regulations would not allow. However, the "estimated residue to be discharged" column will remain with the "for cargo loading and unloading operations" section. In order to help determine control measure effectiveness, the estimated amount of residue to be discharged must be linked to the use of control measures (if any) for each loading and unloading event. This is especially critical if multiple loading and unloading events occur prior to the discharge of cargo residues. This comment did not result in a change to the EIS.
057f	8068d4e8	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Don Morrison	DCR Records	7/21/08	Recordkeeping form – “estimated residue to be swept into water” should be defined to note that it includes residues hosed down into sumps and then discharged overboard.	In any Final Rule, the Coast Guard will modify the form to use the term “discharge,” which needs no special definition and which is sufficient to cover operations involving the sump as well as the deck. This comment did not result in a change to the EIS.
057g	8068d4e8	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Don Morrison	DCR Records	7/21/08	Recordkeeping form – “residue sweeping operations” is not defined and should be.	In any Final Rule, the Coast Guard will modify the form to use the term "discharge," which needs no special definition. In the FEIS, the term “sweeping” was changed to “discharge”.
057h	8068d4e8	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Don Morrison	DCR Records	7/21/08	Recordkeeping form – requirement to document cargo type and load/unload facility may compromise customer confidentiality agreements.	The final rule requires the necessary information (type/quantity of cargo and load/unload port) needed to ensure we have enough information to consider the effectiveness of future control measures. We are not asking for shipper information, pricing or other contractual information that may compromise customer confidentiality. This comment did not result in a change to the EIS.
057i	8068d4e8	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Don Morrison	DCR Records	7/21/08	Reporting requirement – semiannual or annual reports would likely achieve Coast Guard’s objective with less burden to carriers than quarterly reports.	The Coast Guard needs comprehensive and timely data in order to move ahead with our new rulemaking's analysis of control measures and discharges. Semiannual or annual reports would not provide data in a sufficiently timely way and would delay the new rulemaking. Once our data collection requirements for the new rulemaking have been met, we anticipate removing the reporting requirement but will retain the recordkeeping requirement, which is similar to MARPOL Annex V's garbage record book requirement. This comment did not result in a change to the EIS.
058a	8068d64b	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Gary Vequist	Legal	7/22/08	FEIS should better address and pursue methods to reduce the amount of DCR as close to zero as possible.	The Coast Guard agrees that DCR control measures should be studied further. Simultaneously with publication of any Final Rule for this rulemaking, we intend to announce the opening of a new rulemaking to undertake that study. This comment did not result in a change to the EIS.

Tracking Number	Docket Number	Comment on	Representative	Comments Category	Date	Summary and Points:	Response
058b	8068d64b	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Gary Vequist	Legal	7/22/08	Proposed action would apparently create Federal regulation that is inconsistent with laws of at least one State in Great Lakes area (Michigan; cites 12/1/2006 comment from Mich. Dept. of Env'tl. Quality, Appx. C of DEIS).	Response identical to comment 055a.
058c	8068d64b	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Gary Vequist	Legal	7/22/08	Coast Guard should work more closely with Great Lakes States to assure that the proposed action will not encourage activities that violate the laws of those States.	Response identical to comment 055a.
058d	8068d64b	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Gary Vequist	Legal	7/22/08	Coast Guard should prohibit all sweeping within the boundary of Isle Royale National Park.	The Coast Guard agrees and included this prohibition in the NPRM. This is now discussed in the FEIS as a mitigation measure.
058e	8068d64b	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Gary Vequist	Legal	7/22/08	Strongly encourage Coast Guard to prohibit all sweeping within Indiana Dunes and Sleeping Bear Dunes National Lakeshores on Lake Michigan, and in Pictured Rocks National Lakeshore, Apostle Islands National Lakeshore, Isle Royale National Park, and Grand Portage National Monument on Lake Superior.	The DEIS identifies all these areas except Grand Portage National Monument and Isle Royale National Park as "land based" and logistically impossible for DCR discharges in the areas (Section 4.6.2). In our NPRM, we had already proposed adding Isle Royale National Park as a prohibited area. The Grand Portage site is also land based. However, to ensure that no discharges occur in waters that may be incidental to the other sites, we are proposing to prohibit DCR discharge within three miles from shore at the other sites and have added this as a mitigation measure in the FEIS.

Tracking Number	Docket Number	Comment on	Representative	Comments Category	Date	Summary and Points:	Response
058f	8068d64b	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Gary Vequist	Economy	7/22/08	DEIS cost estimates for exclusion area modifications (DEIS Appendix F, attachment 3) are greatly oversimplified; overstating the cost of modifying shipping routes and causing concern over the validity and accuracy of all other DEIS cost estimates.	In general, ships must discharge DCR at least 3 statute miles from shore. Because of this requirement, ships would have to remain 3 statute miles offshore during washdown, and therefore would have to travel an additional 2.5 miles offshore to begin sweeping and they must remain 3 miles offshore during discharge. Thus the "triangulation" method summarized in the comment cannot be used in every case because a ship must be offshore a sufficient amount of time to complete the washdown. It is not sufficient to just "cross the three mile line" as the commenter suggests. This comment did not result in a change to the EIS.
058g	8068d64b	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Gary Vequist	Economy	7/22/08	DEIS Appendix F, Table 3 shows several DCR control methods that could be implemented both on ships and at shoreside facilities at apparently very low cost.	The Coast Guard lacks sufficient data on the cost and effectiveness of specific control measures and under specific conditions to require the use of any specific measure at this time. We intend to open a new rulemaking to give further attention to these questions. This comment did not result in a change to the EIS.
058h	8068d64b	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Gary Vequist	Biological Resources	7/22/08	DEIS 4.6.3.1 states that DCR sweeping could change the physical structure of sediment which could produce a corresponding alteration in benthic habitat and community in limited areas of intense DCR sweeping and accumulation, which should be of concern to Coast Guard.	As indicated in the comment, there could be alterations in the sediment physical structure. The prediction of these alterations was based on samples collected in the areas of greatest DCR discharge and the alterations were minor. NPS waters are well outside the areas of most intense DCR discharge, as shown by voluntary recordkeeping. In the areas of greatest DCR discharge, these minor effects could result in minor alterations of benthic community structure. But based on research done by others (demonstrated in EIS Appendix N), the alteration would at most be a slight shift in relative species composition and would have no effect on secondary productivity or ecosystem structure. The Coast Guard is aware of these alterations and they were considered in identifying a preferred alternative. As shown in section 4.6.2, there were only insignificant effects to protected and sensitive areas, which means that the alternative would not alter or otherwise adversely affect these resources. This comment did not result in a change to the EIS.

Tracking Number	Docket Number	Comment on	Representative	Comments Category	Date	Summary and Points:	Response
058i	8068d64b	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Gary Vequist	Biological Resources	7/22/08	DEIS Appendix S, summary pg. 3, indicates significant effects on growth and survival of some test organisms; this is of concern to commenter.	As shown in section 4.6.3, the alternatives would have only insignificant impacts on the benthic community. As described in EIS Appendix S, extensive toxicity analyses were conducted on four different types of DCR solids (taconite, western coal, eastern coal, and limestone) and similar studies were conducted on the liquid phase of the same DCR types from both the ships' sump and deck sweepings. The analyses consisted on tests of four different types of organisms: insect larvae (Chironomus dilutus), an amphipod (Hyallolella azteca), a water flea (Daphnia magna) and a fish (Pimephales promelas). The solid phase tests evaluated survival and growth while the liquid phase tests only measured growth. As indicated by the commentor some of the tests indicated effects on growth and survival of DCR compared to laboratory controls. However the effects were minor. Of the eight Chironomus tests using 100% DCR only two showed decreased survival (over 85% compared to 95% in controls) and only one showed reduced growth (Appendix S Figure 1). The effects from long term exposure to 100% DCR were more pronounced for Hyallosella (Appendix S Figure 2). How The testing of 100% liquid phase DCR showed some decreased survival. Thus the extensive toxicity tests conducted as part of this EIS clearly i This comment did not result in a change to the EIS.
058j	8068d64b	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Gary Vequist	Biological Resources	7/22/08	The preferred alternative is deleterious and inappropriate due to the biological impacts, particularly in waters of the National Parks	The Coast Guard agrees. Based on the criteria contained in Section 4.6.2 there is a significant impact to the NPS waters due to discharges not currently being prohibited in those waters. We included consideration of mitigation measures as part of the preferred alternative to prohibit all discharges of DCR within 3 miles of the shore of all National Parks, except Isle Royale where mitigation measures would mean no DCR discharges within the boundaries of the park (4.5 miles). See Sections 1.3 and 5.6 .
058k	8068d64b	U.S. DHS/USCG - Advanced Notice of Proposed Rulemaking; Request for Information	Gary Vequist	Legal	7/22/08	Coast Guard should reconsider combining DEIS Alternatives 3, 4, and 5 (modifying exclusion areas, implementing vessel control measures, and implementing shoreside control measures) that would provide more appropriate protection for the Great Lakes; measures could be phased in to avoid significant economic impacts.	A combination of alternatives is possible, but the Coast Guard's preferred alternative remains the same as it was in the DEIS. The Coast Guard agrees that DCR control measures and possible additional modifications to exclusion areas should be studied further. This study can include consideration of whether new measures should be phased in to lessen their economic impact as well as additional possible modifications to exclusion areas. Simultaneously with publication of any Final Rule, we will open a new rulemaking to undertake that study. This comment did not result in a change to the EIS.

Tracking Number	Docket Number	Comment on	Representative	Comments Category	Date	Summary and Points:	Response
059a	8068d688	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Captain William C. Peterson	DCR Records	7/22/08	Supports Coast Guard proposal except for proposed recordkeeping requirements which are unnecessary given existing studies, and only merited if new dry bulk cargo materializes.	Response identical to comment 036b.
060a	8068dcf6	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lyman C. Welch	Legal	7/22/08	Coast Guard should allow IEP to expire and enforce against future cargo dumping in Great Lakes.	Response identical to comment 003a.
060b	8068dcf6	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lyman C. Welch	Legal	7/22/08	APPS, 33 U.S.C. 1901(b), states that the requirements of MARPOL Annex V "shall apply to the navigable waters of the United States" and therefore Annex V directly applies to those waters, including the Great Lakes.	It is true Congress extended the MARPOL Annex V provisions to U.S. internal waters via APPS, however, Congress also authorized the current rulemaking and discharge practices. Existing U.S. law (Pub. L. 108-293, § 623) clearly authorizes continued discharges at least through September 2008, and gives the Coast Guard permanent regulatory authority "notwithstanding any other law" to regulate discharges after that date. The legislative history (House Conference Report 108-617) indicates that Congress expected the IEP to be made permanent or replaced with an alternative regime that appropriately balances maritime commercial and environmental protection needs. In accordance with Pub. L. 108-293, § 623, the Coast Guard has performed the necessary environmental assessment to support this rulemaking. This comment did not result in a change to the EIS.
060c	8068dcf6	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lyman C. Welch	Legal	7/22/08	Cargo sweeping falls under the definitions of garbage in MARPOL and APPS.	The Coast Guard agrees, but we do not think this is a dispositive issue given our regulatory authority under Pub. L. 108-293 to regulate DCR discharges on the Great Lakes notwithstanding any other law, and given Congress's intent that in exercising this regulatory authority, we strike an appropriate balance between environmental and commercial maritime needs. This comment did not result in a change to the EIS.
060d	8068dcf6	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lyman C. Welch	Legal	7/22/08	Cargo sweeping falls under the definition of operational waste (and hence, garbage) in the Great Lakes Water Quality Agreement (GLWQA), and per 33 CFR 151.05, Coast Guard defines operational waste as including all cargo residues.	Response identical to comment 060c.

Tracking Number	Docket Number	Comment on	Representative	Comments Category	Date	Summary and Points:	Response
060e	8068dcf6	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lyman C. Welch	Legal	7/22/08	In its 2004 extension of sanction for the IEP (Pub.L. 108-293, § 623(a)), Congress did not override MARPOL or the domestic law implementing MARPOL (i.e., APPS, 33 U.S.C. 1901 et seq.).	The 2004 Congressional extension reflected in Pub. L 108-293 authorized DCR discharges in the Great Lakes until September 30, 2008 and gives the Coast Guard regulatory authority to further regulate the practice "notwithstanding any other law." This comment did not result in a change to the EIS.
060f	8068dcf6	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lyman C. Welch	Legal	7/22/08	If possible, Coast Guard's regulatory authority (Pub.L. 108-293, § 623(b)) must be interpreted so that the international treaty (MARPOL) can be complied with; and this is possible because Coast Guard can regulate vessels so that DCR is handled in port and because many ports already have the necessary infrastructure in place.	The Coast Guard agrees that, if possible, our regulations should be consistent with MARPOL. However, had Congress not intended for the Coast Guard to have authority to modify those requirements with respect to DCR discharges on the Great Lakes, there would have been no reason for the passage of Pub. L. 108-293, § 623(b), which confers authority on the Coast Guard to regulate those discharges notwithstanding any other law. While some ports may possess the infrastructure to make portside disposal of DCR possible, our analysis indicates that portside disposal would nevertheless impose substantial economic costs. This comment did not result in a change to the EIS.
060g	8068dcf6	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lyman C. Welch	Legal	7/22/08	The proposed rule is directly at variance with an unambiguous statutory provision (APPS) and in conflict with a treaty (MARPOL) that is the law of the land, and therefore would not be valid.	The Coast Guard agrees that, if possible, our regulations should be consistent with MARPOL. However, had Congress not intended for the Coast Guard to have authority to modify those requirements with respect to DCR discharges on the Great Lakes, there would have been no reason for the passage of Pub. L. 108-293, § 623(b), which confers authority on the Coast Guard to regulate those discharges notwithstanding any other law. This comment did not result in a change to the EIS.
060h	8068dcf6	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lyman C. Welch	Legal	7/22/08	Coast Guard has improperly limited DEIS alternatives discussed to those that are feasible, not all alternatives that are reasonable; for example, DEIS should have considered expanding prohibited discharge areas to include sensitive areas like Isle Royale and Detroit River.	The Coast Guard discussed and evaluated all identified alternatives (including all reasonable alternatives) using public scoping, outside experts, internal technical experts, the shipping industry, government resource agencies, and Coast Guard technical consultants (DEIS, Chapter 2 and Appendices D and E). Also, the DEIS only considered expanding prohibition of discharge in sensitive areas (Alternative 3, Modified Exclusion Areas). Mitigating impacts of other alternatives by limiting discharge in sensitive areas was also considered (DEIS Chapter 6) and these mitigation measures for Isle Royale and Detroit River are incorporated into the recommendation in this FEIS (Chapter 7). The Coast Guard has removed the word "feasible" from the FEIS.

Tracking Number	Docket Number	Comment on	Representative	Comments Category	Date	Summary and Points:	Response
060i	8068dcf6	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lyman C. Welch	Biological Resources	7/22/08	DEIS should have provided conclusive evidence that lake bottoms will suffer only minor indirect adverse effects; for example by comparing native species biomass or biodiversity in areas where dumping takes place and does not take place.	As described in EIS Appendices H, N, L, R, and S extensive sampling, analysis, and literature review to characterize the lake bottom in areas of maximum DCR discharge in comparison to areas of no discharge. As described in Appendix H, numerous benthic samples were collected to compare density and diversity of biota in DCR discharge areas to areas of no discharge. Also, as summarized in Appendix N, other researchers have taken hundreds of samples from discharge and no discharge areas to make the same comparison. All of this information was considered in making the prediction of minor affects on the benthic community. This comment did not result in a change to the EIS.
060j	8068dcf6	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lyman C. Welch	Biological Resources	7/22/08	DEIS admits that slight sediment changes could cause a minor increase in invasive mussel habitat in Lakes Michigan and Huron, but ignores possible effects that cargo sweeping has had and may continue to have on the benthic community.	The DEIS addresses the possible effects on the benthic community. As described in Chapter 4 and Appendices H, N and S, extensive sampling, analysis, laboratory testing, evaluation and literature review were conducted to evaluate the impact on the benthic community. This comment did not result in a change to the EIS. (See also the response to comment 060i).
060k	8068dcf6	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lyman C. Welch	Legal	7/22/08	Continued sweeping could lead to a build-up of toxic metals in heavily deposited areas of the Great Lakes, but Coast Guard did not follow NOAA 1999 recommendation that Coast Guard rigorously pursue obtaining as much information from carrier organizations as possible concerning actual composition, including trace constituents, of DCR.	The Coast Guard did follow the NOAA 1999 recommendation and to obtain existing information on composition of DCR (See U.S. Coast Guard 2002 and 2006 referenced in the DEIS and posted on the Docket). In addition, to support this EIS multiple samples of various types of DCR were collected and chemically analyzed for potentially toxic compounds, including trace constituents (See DEIS Appendices L and S). This comment did not result in a change to the EIS. See also the response to comment 015b.
060l	8068dcf6	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lyman C. Welch	Biological Resources	7/22/08	DEIS should have focused on DCR sweeping's impact on water quality, affected ecological habitats, and whether practice is environmentally sound, rather than on alternatives that best regulate sweeping.	The DEIS is focused on DCR impacts on water quality (Section 4.5), ecological habitats (Section 4.6), and whether the alternative practices are environmentally sound (all of Chapter 4). These sections are summaries of the investigations that were conducted to determine the impacts of DCR as described in detail in 13 of the 19 EIS Appendices. This comment did not result in a change to the EIS.

Tracking Number	Docket Number	Comment on	Representative	Comments Category	Date	Summary and Points:	Response
060m	8068dcf6	NPRM - Dry Cargo Residue Discharges in the Great Lakes	Lyman C. Welch	Legal	7/22/08	It appears Coast Guard has assumed full responsibility for developing regulations that result in direct dumping of bulk materials into State waters and onto State bottomlands; Coast Guard should formally consult with States to explore this conflict between Federal regulation and State authority.	The DEIS is focused on DCR impacts on water quality (Section 4.5), ecological habitats (Section 4.6), and whether the alternative practices are environmentally sound (all of Chapter 4). These sections are summaries of the investigations that were conducted to determine the impacts of DCR as described in detail in the EIS Appendices. This comment did not result in a change to the EIS.
061a	EPAR5721	DCR Discharges in the Great Lakes; Notice of Public Meeting	Kenneth A. Westlake	Legal	7/21/08	EPA Region 5 have reviewed the DEIS and has no objections	Response identical to comment 055 a.