



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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July 22, 2010

Allen Pleus
Aquatic Invasive Species Coordinator
Washington State Department of Fish and Wildlife
1111 Washington Street SE, 6th Floor
Olympia, WA 98501

**RE: Department of Ecology Recommendation for Meeting WAC 220-150-060(4)(b)(v)
Requirements for the Vessel Moku Pahu**

Dear Allen Pleus,

Based, in part, on my recommendation dated January 29, 2010, you granted a promising treatment technology waiver to the Matson Navigation Company (Matson) on May 21, 2010. The waiver allows Matson to use the Ecochlor® ballast water treatment system (BWTS) on the ship Moku Pahu prior to discharge to waters of the state. Ecochlor® subsequently provided me with ballast water toxicity testing reports that meet some of the conditions in the recommendation that require additional toxicity testing to ensure the environmentally safe discharge of biocide-treated ballast water from the Moku Pahu. Because the toxicity test reports predate my January 29 recommendation and meet several of its conditions, I revised the recommendation for waiver approval and simplified the list of conditions in order to more accurately reflect the Ecochlor® BWTS's present status.

Ecochlor® conducted additional toxicity tests in August 2006, September 2006, and February 2008 in response to the conditions in my first recommendation for their BWTS in June 2006. The intention to meet 2006 conditions explains why the results satisfy some of my conditions for approval in the January 2010 recommendation. Please accept the enclosed recommendation and conditions as a replacement for the January version.

We predict that the Ecochlor® BWTS can be operated without environmental harm if reasonable conditions are maintained. Therefore, we recommend approval of the waiver in the enclosed *Updated Recommendation for Approval of the Request to Grant a Promising Technology Waiver for Using the Ecochlor® Ballast Water Treatment System on the Moku Pahu.*



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To maintain the recommendation for waiver approval, Matson and the operators of the Moku Pahu must meet the conditions on the installation and operation of the Ecochlor® BWTS listed in the enclosed recommendation. In addition, maintaining a recommendation for approval will depend on the results of toxicity testing, as required in the conditions, verifying that the treated ballast water is not excessively toxic at discharge.

If you have any questions, please contact me at rmr461@ecy.wa.gov, or 360-407-6445.

Sincerely,

A handwritten signature in black ink that reads "Randall Marshall". The signature is written in a cursive, slightly slanted style.

Randall Marshall
Whole Effluent Toxicity Coordinator

Enclosures

cc: Kevin Anderson, Puget Sound Partnership
Kelly Susewind, Ecology, Water Quality Program Manager
Jerry Borchert, Washington State Department of Health