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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **145**

January 16, 2007

Authored by Hansen; Jaros; Moe; Murphy, M.; Tingelstad and others

The bill was read for the first time and referred to the Committee on Environment and Natural Resources

1.1 A bill for an act
1.2 relating to natural resources; establishing regulation of ballast water discharge
1.3 into Lake Superior by oceangoing vessels; requiring adoption of rules to set
1.4 standards for ballast water discharge, treatment, and management; requiring
1.5 regional cooperation and formation of a coalition; proposing coding for new law
1.6 in Minnesota Statutes, chapter 84D.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. **[84D.15] DEFINITIONS.**

1.9 Subdivision 1. **Application.** For purposes of sections 84D.15 to 84D.17, the
1.10 following terms have the meanings given them.

1.11 Subd. 2. **Ballast tank.** "Ballast tank" means any tank or hold on a vessel used for
1.12 carrying ballast water, whether or not the tank or hold was designed for that purpose.

1.13 Subd. 3. **Ballast water.** "Ballast water" means any water and associated solids,
1.14 sediment, suspended matter, and substances taken on board a vessel to control or maintain
1.15 trim, draught, stability, or stresses on the vessel, without regard to the manner in which it
1.16 is carried.

1.17 Subd. 4. **Ballast water treatment method.** "Ballast water treatment method"
1.18 means a method of treating ballast water to remove or destroy invasive species through
1.19 one or more of the following:

1.20 (1) filtration;

1.21 (2) the application of biocides or ultraviolet light;

1.22 (3) thermal methods; and

1.23 (4) other treatment methods approved by the commissioner.

1.24 Subd. 5. **Great Lakes.** "Great Lakes" means:

1.25 (1) Lake Ontario;

- 2.1 (2) Lake Erie;
 2.2 (3) Lake Huron, including Lake St. Clair;
 2.3 (4) Lake Michigan;
 2.4 (5) Lake Superior;
 2.5 (6) connecting channels to any of the lakes in clauses (1) to (5), including the St.
 2.6 Mary's River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to
 2.7 the Canadian border; and
 2.8 (7) all other bodies of water within the drainage basin of the lakes and connecting
 2.9 channels in clauses (1) to (6).

2.10 Subd. 6. **Non-oceangoing vessel.** "Non-oceangoing vessel" means a vessel that is
 2.11 not an oceangoing vessel.

2.12 Subd. 7. **Oceangoing vessel.** "Oceangoing vessel" means a vessel that operates on
 2.13 the Great Lakes after operating in waters outside of the Great Lakes.

2.14 Subd. 8. **State waters of Lake Superior.** "State waters of Lake Superior" means
 2.15 the surface waters of Lake Superior and waters that discharge, flow, or otherwise are
 2.16 transferred into Lake Superior that are under the jurisdiction of this state.

2.17 Subd. 9. **Vector.** "Vector" means the pathway and mechanism of entry for invasive
 2.18 species into the Great Lakes.

2.19 **Sec. 2. [84D.16] OCEANGOING VESSELS.**

2.20 Subdivision 1. **Compliance with rules.** A person operating, in state waters of Lake
 2.21 Superior, an oceangoing vessel equipped with ballast tanks or capable of discharging
 2.22 ballast water must comply with the rules adopted by the commissioner under subdivision 3.

2.23 Subd. 2. **Permit required.** Beginning January 1, 2009, a person shall not operate in
 2.24 state waters of Lake Superior an oceangoing vessel equipped with ballast tanks or capable
 2.25 of discharging ballast water unless the person has been issued a permit for the oceangoing
 2.26 vessel by the commissioner and the oceangoing vessel is equipped to discharge ballast
 2.27 water in compliance with the permit and rules adopted by the commissioner under
 2.28 subdivision 3.

2.29 Subd. 3. **Rules.** By July 1, 2008, the commissioner shall adopt rules for standards
 2.30 for ballast water discharge, ballast water treatment methods, and the management of other
 2.31 vectors of invasive species introduction from oceangoing vessels, including sea chests,
 2.32 anchor chains, and hull fouling. The rules must include permit application procedures
 2.33 and permit fees.

2.34 **Sec. 3. [84D.17] REGIONAL COOPERATION.**

3.1 Subdivision 1. **Cooperation.** The commissioner shall consult and cooperate to the
3.2 fullest extent possible with other Great Lakes states, the Canadian Great Lakes provinces,
3.3 and other governmental and nongovernmental entities as necessary to promote and ensure
3.4 the development of rules, regulations, and standards for the control of invasive species
3.5 that are broadly protective of the waters of the state and other natural resources.

3.6 Subd. 2. **Great Lakes basin coalition.** The commissioner shall facilitate and
3.7 participate in the formation of a Great Lakes invasive species coalition with other states in
3.8 the Great Lakes basin to address discharges of invasive species from oceangoing vessels.
3.9 The commissioner shall facilitate and participate in the formation of this coalition to
3.10 promote the implementation, on a Great Lakes basinwide basis, of water pollution laws
3.11 that prohibit the discharge of invasive species into the Great Lakes from oceangoing
3.12 vessels. If feasible, the commissioner should, in consultation with other coalition states,
3.13 seek the participation of the Canadian Great Lakes provinces.

3.14 Subd. 3. **Report.** The commissioner shall submit a report to the legislature by
3.15 February 1 each year, regarding the efforts to form the coalition, any coalition activities,
3.16 and the commissioner's consultation activities under subdivision 1.