

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1736 Session of
2007

INTRODUCED BY M. O'BRIEN, HARKINS, SOLOBAY, GEORGE, BIANCUCCI,
FABRIZIO, HESS, HORNAMAN, JAMES, JOSEPHS, W. KELLER, KOTIK,
LEVDANSKY, MCGEEHAN, MUNDY, PARKER, PETRONE, SABATINA,
SAYLOR, STABACK, J. TAYLOR, WALKO, YOUNGBLOOD AND HARHAI,
JULY 13, 2007

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JULY 13, 2007

AN ACT

1 Amending the act of June 22, 1937 (P.L.1987, No.394), entitled,
2 as amended, "An act to preserve and improve the purity of the
3 waters of the Commonwealth for the protection of public
4 health, animal and aquatic life, and for industrial
5 consumption, and recreation; empowering and directing the
6 creation of indebtedness or the issuing of non-debt revenue
7 bonds by political subdivisions to provide works to abate
8 pollution; providing protection of water supply and water
9 quality; providing for the jurisdiction of courts in the
10 enforcement thereof; providing additional remedies for
11 abating pollution of waters; imposing certain penalties;
12 repealing certain acts; regulating discharges of sewage and
13 industrial wastes; regulating the operation of mines and
14 regulating the impact of mining upon water quality, supply
15 and quantity; placing responsibilities upon landowners and
16 land occupiers and to maintain primary jurisdiction over
17 surface coal mining in Pennsylvania," providing for the
18 permitting of oceangoing vessels in Lake Erie.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Section 1 of the act of June 22, 1937 (P.L.1987,
22 No.394), known as The Clean Streams Law, is amended by adding a
23 definition to read:

24 Section 1. Definitions.--Be it enacted, &c., That the

1 following words or phrases, unless the context clearly indicates
2 otherwise, shall have the meanings ascribed to them in this
3 section.

4 "Aquatic nuisance species" shall mean a nonindigenous species
5 that threatens the diversity or abundance of native species or
6 the ecological stability of infested waters, or commercial,
7 agricultural, aquacultural or recreational activities dependent
8 on such waters.

9 * * *

10 Section 2. The act is amended by adding an article to read:

11 ARTICLE IV-A

12 LAKE ERIE AQUATIC NUISANCE SPECIES

13 Section 401-A. Permits for Oceangoing Vessels on Lake
14 Erie.--Beginning January 1, 2008, all oceangoing vessels
15 engaging in port operations on Lake Erie in this Commonwealth
16 shall obtain a permit from the department. The department shall
17 issue a permit for an oceangoing vessel only if the applicant
18 can demonstrate that the oceangoing vessel will not discharge
19 aquatic nuisance species or, if the oceangoing vessel discharges
20 ballast water or other waste or waste effluent, that the
21 operator of the vessel will utilize environmentally sound
22 technology and methods as determined by the department, that can
23 be used to prevent the discharge of aquatic nuisance species.
24 The department shall cooperate to the fullest extent practical
25 with other Great Lakes basin states, the Canadian Great Lakes
26 provinces, the Great Lakes Fishery Commission, the International
27 Joint Commission and the Great Lakes Commission to ensure the
28 development of standards for the control of aquatic nuisance
29 species that are broadly protective of the waters of this
30 Commonwealth and other natural resources. Permit fees for

1 permits under this section shall be assessed as provided in
2 section 6 of this act. The department shall promulgate rules to
3 implement this section.

4 Section 402-A. Violations.--Unless a discharge is authorized
5 by a permit, order or rule of the department, the discharge into
6 the waters of Lake Erie in this Commonwealth from an oceangoing
7 vessel of any ballast water is prima facie evidence of a
8 violation of this article and subjects the responsible person to
9 the penalties prescribed in Article VI of this act.

10 Section 3. This act shall take effect January 1, 2008.