



Summary of Great Lakes State Ballast Water Legislation

Prepared by the Great Lakes Commission
Updated: July 2008

Michigan is the only Great Lakes state with a ballast water permitting program in place. Minnesota has passed legislation providing authority to the Minnesota Pollution Control Agency (MPCA) to administer a ballast water management program. MPCA also plans to have a discharge permit available for vessels by September 30, 2008 (<http://www.pca.state.mn.us/publications/wq-s8-01.pdf>). All other legislation from the Great Lakes states listed below has not yet become law.

Illinois

H.B. 4800 (95th General Assembly)
Status: Re-referred to House Rules Committee (3/14/2008)

The bill requires all oceangoing vessels engaging in port operations to obtain a permit from the Environmental Protection Agency. Provides that the Agency may issue a permit for an oceangoing vessel only if: (1) the applicant can demonstrate that the oceangoing vessel will not discharge aquatic nuisance species; or (2) if the oceangoing vessel discharges ballast water or other waste or waste effluent, that the operator of the vessel will use environmentally sound technology and methods, as determined by the Agency, that can be used to prevent the discharge of aquatic nuisance species. Sets forth procedures for the permitting process and requires the Agency to establish reasonable permit fees.

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=4800&GAID=9&DocTypeID=HB&LegID=35591&SessionID=51&GA=95&SpecSess=0>

Indiana

Senate Bill 286 (2008 Regular Session)
Status: Referred to Committee on Energy and Environmental Affairs (1/10/2008)

The bill provides that, beginning July 1, 2009, each oceangoing vessel engaging in port operations in Indiana must obtain a permit from the department of environmental management (IDEM). It allows IDEM to issue a permit only if the applicant can demonstrate that the vessel will not discharge aquatic nuisance species, or if the vessel discharges ballast water or sediment, that the operator of the vessel will use environmentally sound technology and methods to prevent the discharge of aquatic nuisance species. The bill requires IDEM to establish a ballast water and sediment inspection program that ensures that aquatic nuisance species do not enter the waters of Indiana and requires the water pollution control board to adopt rules to implement these provisions.

http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2008&session=1&request=getBill&docno=0286&doctype=SB#atest_info

Michigan

Senate Bill 332 (2005 Regular Session)
Status: Signed into law (6/5/2005)

Michigan passed legislation in 2005 requiring all oceangoing vessels to obtain a permit from the Michigan Department of Environmental Quality (MDEQ) before entering a port in state waters beginning January 1, 2007. Permits will be issued if the applicant can prove that the vessel will not discharge ballast water or will utilize environmentally sound technology and methods, as determined by MDEQ, to prevent the release of ANS. The general permit provides that one of several types of ballast water treatment is required. Any oceangoing vessel that enters a Michigan port must use one of the approved treatment types or must apply for an individual permit which will be reviewed on a case by case basis.

http://www.deq.state.mi.us/documents/deq-water-npdes-ballast-SenateBill_332.pdf

http://www.michigan.gov/deq/0,1607,7-135-3313_3682_3713-153446--,00.html

Minnesota

S.F. 3056 (Legislative Session 2007-2008)
Status: Signed into law (5/23/2008)

Sections 27-30 of this bill specify requirements related to ballast water management plans and ballast water record books. Effective July 1, 2008, operators of vessels designed, constructed, or adapted to carry ballast water in state waters of Lake Superior are required to conduct all ballast water management operations of the vessel according to a ballast water management plan that is designed to minimize the discharge of invasive species. Plans must be approved by the Minnesota Pollution Control Agency (MPCA). Vessel operators are also required to have on board a ballast water record book in which each operation of the vessel involving ballast water or sediment discharge is recorded and can be reviewed by the MPCA.

https://www.revisor.leg.state.mn.us/revisor/pages/search_status/status_detail.php?b=Senate&f=sf3056&ssn=0&y=2008

H.F. 0145 and S.F. 53 (Legislative Session 2007-2008)
Status: Referred to Environment and Natural Resources
Committee (Senate: 1/11/2007; House: 1/16/2007)

An oceangoing vessel, operating in the waters of Lake Superior, equipped with ballast tanks or capable of discharging ballast water must comply with the rules adopted by the Commissioner of the Department of Natural Resources. Oceangoing vessels equipped with ballast tanks or capable of discharging ballast water must obtain a permit from the Commissioner and the vessel must be equipped to discharge ballast water in compliance with the permit and rules adopted by the Commissioner. The Commissioner will adopt rules for standards for ballast water discharge, ballast water treatment methods, and the management of other vectors of invasive species introduction from oceangoing vessels, including sea chests, anchor chains, and hull fouling. The rules must include permit application procedures and permit fees.

https://www.revisor.leg.state.mn.us/revisor/pages/search_status/status_detail.php?b=House&f=HF0145&ssn=0&y=2007

New York

A01355 (2007-2008 Legislative Session)
Status: Passed Assembly and referred to Senate Environmental
Conservation Committee (2/6/2008)

The bill authorizes the discharge of ballast water into the waters of New York State if, among other things, (i) the vessel has conducted an open sea exchange of ballast water or (ii) if the vessel has treated its ballast water in accordance with standards to be set by the Department of Environmental Conservation. The bill establishes certain recording and sampling requirements. It establishes a pilot project on private sector ballast water treatment operation. The bill also provides for certain penalties and fines for violations thereof.

<http://assembly.state.ny.us/leg/?bn=a+1355>

Ohio

House Bill 298 (2007-2008 Regular Session)
Status: Referred to Agricultural and Natural Resources
Committee (8/16/2007)

The chief of the division of wildlife will establish a permitting program for oceangoing vessels. After the rules proposed by the chief are adopted, oceangoing vessels that are capable of discharging ballast into the waters of Lake Erie will not be permitted to operate without a permit. A permit will be issued only if the operator who applies for a permit can demonstrate either that the oceangoing vessel will not discharge ballast water or other waste or effluent or, if the oceangoing vessel discharges ballast water or other waste effluent, that the operator of the oceangoing vessel will utilize environmentally sound technology and methods, that can be used to prevent the

discharge of aquatic nuisance species. The chief of the division of wildlife will adopt rules to do the following: identify aquatic nuisance species, establish the permits, set the amount of the permit fee, establish performance standards for ballast water discharges and management of other vectors, establish a system of inspections, etc.

http://www.legislature.state.oh.us/bills.cfm?ID=127_HB_298

Pennsylvania

House Bill 1736 (Regular Session 2007-2008)
Status: Referred to Committee on Environmental Resources
and Energy (7/13/2007)

All oceangoing vessels engaging in port operations on Lake Erie shall obtain a permit from the Department of Conservation and Natural Resources. The department will issue a permit for an oceangoing vessel only if the applicant can demonstrate that the vessel will not discharge aquatic nuisance species or, if the oceangoing vessel discharges ballast water or other waste or waste effluent, that the operator of the vessel shall utilize environmentally sound technology and methods as determined by the department, that can be used to prevent the discharge of aquatic nuisance species.

<http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2007&sind=0&body=H&type=B&bn=1736>

Wisconsin

Assembly Bill 86 (Legislative Session 2007-2008)
Status: Failed to pass by the end of the last general-business
floorperiod (2/31/2008)

This bill requires a person who operates an oceangoing vessel that uses a port in this state to obtain a permit from the Department of Natural Resources (DNR). To obtain a permit, the person must demonstrate to DNR that the vessel is not capable of taking on ballast water or that the vessel is equipped with technology that DNR determines will prevent the introduction of aquatic nuisance species into the Great Lakes. Aquatic nuisance species are plants and animals that are not native and that threaten the diversity or abundance of native species or the ecological stability of infested waters or that threaten commercial, agricultural, or recreational activities that are dependent on infested waters. A person who operates an oceangoing vessel without a permit or operates in violation of a permit is subject to a forfeiture (a civil monetary penalty) of up to \$25,000 for each day of violation.

<http://www.legis.state.wi.us/2007/data/AB-86.pdf>