



**House
Legislative
Analysis
Section**

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REGULATION OF BALLAST WATER

House Bill 4189

Sponsor: Rep. Gerald Van Woerkom

House Bill 4194

Sponsor: Rep. Lauren Hager

House Bill 4248

Sponsor: Rep. Mike Kowall

**Committee: Conservation and Outdoor
Recreation**

Complete to 3-16-01

**A SUMMARY OF HOUSE BILLS 4189 AND 4194 AS INTRODUCED 2-13-01, AND
HOUSE BILL 4248 AS INTRODUCED 2-14-01**

The bills would amend Parts 31 and 329 of the Natural Resources and Environmental Protection Act (NREPA), concerning the protection of water resources and of the Great Lakes, respectively, to require that commercial vessels comply with ballast waster management practices designed to minimize the spread of aquatic nuisance species in the Great Lakes. House Bill 4248 would add a new section (MCL 324.3109c) to the NREPA to provide for the regulation of ballast water discharges by the Department of Environmental Quality (DEQ); House Bill 4194 would add a new section (MCL 324.32912) to the NREPA to require that a pilot program for an on-board ballast water management system be established; and House Bill 4189 would add a new section (MCL 324.32913) to the NREPA to provide for reports to the legislature on the proposed pilot program. House Bill 4189 is tie-barred to House Bill 4248 and House Bill 4194. House Bill 4248 is tie-barred to House Bills 4194 and 4189. House Bill 4194 is tie-barred to House Bill 4248.

Pilot Program for Ballast Water Management. House Bill 4194 would require that the Office of the Great Lakes – in consultation with the University of Michigan – develop and establish a pilot program for an on-board ballast water management system. The system would be designed to prevent the introduction and spread of aquatic nuisance species with the Great Lakes, and to sterilize and monitor ballast water and sediments (defined as any matter settled out of ballast water within a vessel) carried on a vessel in a manner prescribed by and monitored electronically by the office via satellite transmission. The pilot program would have to involve at least one oceangoing commercial vessel and one freshwater commercial vessel.

Ballast Water Monitoring System. House Bill 4248 would prohibit, effective January 1, 2006, the operation of a commercial vessel capable of discharging ballast water within the state’s jurisdiction on the Great Lakes, whether it was equipped with a ballast water tank system or otherwise, unless it was also equipped with an on-board ballast water monitoring system. Under the bill, an on-board ballast water monitoring system would have to monitor ballast water and

House Bills 4189, 4194 and 4248 (3-16-01)

sediments on an ongoing basis to detect the presence of aquatic nuisance species, and also provide for the system's results being made available to the DEQ electronically via satellite transmission.

Discharge Permits. House Bill 4248 would specify that, beginning January 1, 2006, a person could not discharge ballast water or sediments from a commercial vessel into state water unless that person complied with the above provisions and had been issued a discharge permit from the DEQ. A permit application would have to contain all information requested by the department.

Promulgation of Rules. The DEQ would be required to promulgate rules by June 30, 2002 to implement the provisions of House Bill 4248. In promulgating the rules, the department would have to consult with other states and Canadian provinces that border the Great Lakes and the St. Lawrence Waterway, which is defined under the bill to mean the St. Lawrence River, the St. Lawrence Seaway, and the Gulf of St. Lawrence.

House Bill 4248 would also require that the department suspend enforcement of the provisions and the rules promulgated under the bill if a federal law was enacted or federal regulations were promulgated after the bill's effective date requiring that commercial vessels operating on the Great Lakes comply with ballast water management practices designed to minimize the spread of aquatic nuisance species in the Great Lakes, and that the ballast water and sediments on oceangoing commercial vessels be treated.

Definitions. Under the bill "aquatic nuisance species" would mean a non indigenous species that threatened the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters. "Ballast water" would mean water and associated solids taken on board a vessel to control or maintain trim, draft, stability, or stresses on the vessel, without regard to the manner in which it was carried. "Sterilized" would mean the treatment of ballast water or sediments, or both, to remove or destroy living biological organisms through one or more of the following: filtration; the application of biocides or ultraviolet light; thermal methods; or other treatment techniques approved by the Department of Environmental Quality (DEQ).

Reports to the Legislature. House Bill 4189 would specify that, until 2006, the Office of the Great Lakes would be required to submit an annual report to the legislature describing the pilot program that would be developed under the provisions of House Bill 4194. Under the bill, the report would have to detail the specifics of the pilot program and assess the on-board ballast water management system's success in preventing the introduction and spread of aquatic nuisance species in the Great Lakes.

Beginning in 2006, and each year thereafter, the Office of the Great Lakes would be required to submit an annual report to the legislature describing the requirements of the on-board ballast water monitoring system and the permit program required under House Bill 4248. The report would have to assess the success of these programs in preventing the introduction and spread of aquatic nuisance species in the Great Lakes.

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.