

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 152 (as introduced 2-7-01)
Sponsor: Senator Ken Sikkema
Committee: Natural Resources and Environmental Affairs

Date Completed: 4-17-01

CONTENT

The bill would amend Part 31 (Water Resources Protection) of the Natural Resources and Environmental Protection Act to require the Department of Environmental Quality (DEQ) to do the following:

- **Make certain determinations regarding compliance with proposed ballast water management practices; suggest tests to identify treatment technologies to prevent the introduction of aquatic nuisance species; and convene a work group to review technologies and test results.**
- **Promulgate rules to establish ballast water management practices if vessels were not complying with the proposed practices.**
- **Make certain determinations regarding the treatment of ballast water and sediment.**
- **Promulgate rules requiring oceangoing vessel operators to take certain actions if ballast water were not being treated.**
- **Report the DEQ's determinations to the Governor and legislative committees.**

("Aquatic nuisance species" would mean a nonindigenous 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.)

Legislative Finding

The bill states the following legislative findings: "It is a goal of this state to prevent the introduction of and minimize the spread of aquatic nuisance species within the Great Lakes", and, "that, to achieve the goal...this state should cooperate with the United States and Canadian authorities, other states and provinces, and the maritime industry."

Management Practices

By July 1, 2001, the DEQ would have to do all of the following:

- Determine whether the ballast water management practices that were proposed to the DEQ on June 7, 2000, by the Shipping Federation of Canada were being complied with by all oceangoing vessels operating on the Great Lakes and the St. Lawrence Waterway.
- Determine whether the ballast water management practices that were proposed jointly to the DEQ on June 7, 2000, by the Lake Carriers' Association and the Canadian Shipowners' Association were being complied with by all nonoceangoing vessels operating on the Great Lakes and the St. Lawrence Waterway.
- Determine whether either or both of the ballast water management practices described above had been made conditions of passage on the St. Lawrence Waterway by the St. Lawrence Seaway Management Corporation and the St. Lawrence Seaway Development Corporation.

- Offer suggestions to the maritime industry on tests of short-term and long-term solutions that could be conducted to identify treatment technologies for ballast water and sediments that would prevent the introduction of aquatic nuisance species into the Great Lakes.
- Determine whether the maritime industry had tested a treatment technology during the spring of 2001 for the treatment of ballast water and sediments that could be implemented within 12 months that would prevent the introduction of aquatic nuisance species into the Great Lakes.
- Convene a work group made up of representatives of owners or operators of oceangoing vessels and nonoceangoing vessels, other interested persons from the maritime industry, environmental organizations, and the general public to review available technologies and the results of tests of those technologies and make recommendations to the DEQ on the technologies available to treat ballast water and sediments.
- Submit a letter outlining the determinations made by the DEQ under these provisions to the Governor and the standing committees of the Legislature with jurisdiction primarily related to natural resources and the environment.

If the Department determined that vessels were not complying with the ballast water management practices described above, it would have to promulgate rules establishing ballast water management practices for vessels operating on Great Lakes waters within the State's jurisdiction that were substantially similar to the ballast water management practices as described in the bill. These rules would take effect on April 1, 2002.

(The bill would define "oceangoing vessel" as a vessel that operated on the Great Lakes or the St. Lawrence Waterway (the St. Lawrence Seaway, the St. Lawrence River, and the Gulf of St. Lawrence) after operating in waters outside of the Great Lakes or the St. Lawrence Waterway.)

Treatment

By July 1, 2002, the DEQ would have to do the following:

- Determine whether all oceangoing vessels operating on the Great Lakes were treating ballast water and sediments to prevent the introduction of aquatic nuisance species in the Great Lakes.
- Determine whether the treatment of ballast water and sediments had been made a condition of passage on the St. Lawrence Waterway by the St. Lawrence Seaway Management Corporation and the St. Lawrence Seaway Development Corporation.
- Submit a letter outlining these determinations to the Governor and the legislative standing committees with jurisdiction primarily over natural resources and environmental issues.

If the Department determined that oceangoing vessels were not treating ballast water as described above, the DEQ would have to promulgate rules that required the operators of oceangoing vessels operating on the Great Lakes within the State's jurisdiction to do all of the following:

- Ensure, using the best available technology and practices, that ballast water and/or sediments likely to contain aquatic nuisance species were not directly or indirectly discharged into the Great Lakes within the State's jurisdiction.
- Use environmentally sound treatment methods for ballast water and sediments, such as sterilization, in preventing the introduction and spread of aquatic nuisance species. The treatment methods would have to be safe for the environment, be safe for handling by the vessel's crew, not pose a risk to the vessel or the coatings on its ballast tanks, and comply with all laws and regulations applicable to the Great Lakes.
- Provide documentation of compliance with these rules to the DEQ before entering the Great Lakes within the State's jurisdiction.

("Sterilization" would mean the treatment of ballast water and/or sediments by filtration, application of biocides or ultraviolet light, thermal methods, and/or other treatment techniques approved by the DEQ, to destroy or remove all living biological organisms.)

FISCAL IMPACT

The bill would result in an indeterminate increase in Michigan Department of Environmental Quality expenditures. The magnitude of the increase would depend on the type of program the Department would implement, the degree to which the program would rely on other organizations (e.g., the U.S. Coast Guard) to make the determinations required under the bill, and the level of enforcement.

Fiscal Analyst: P. Graham

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.