

1 AN ACT regarding the discharge of ballast water.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The State Finance Act is amended by adding  
5 Section 5.543 as follows:

6 (30 ILCS 105/5.543 new)

7 Sec. 5.543. The Aquatic Nuisance Species Prevention  
8 Fund.

9 Section 10. The Environmental Protection Act is amended  
10 by adding Section 12.5 as follows:

11 (415 ILCS 5/12.5 new)

12 Sec. 12.5. Ballast water and sediment; rules; permit;  
13 federal law.

14 (a) For the purposes of this Section:

15 "Aquatic nuisance species" means a nonindigenous species  
16 that threatens the diversity or abundance of native species  
17 or the ecological stability of infested waters or commercial,  
18 agricultural, aquacultural, or recreational activities  
19 dependent on the waters.

20 "Ballast water" means water and associated solids taken  
21 on board a vessel to control or maintain trim, draft,  
22 stability, or stresses on the vessel, without regard to the  
23 manner in which the water and associated solids are carried.

24 "Great Lakes" means the Great Lakes and their connecting  
25 waters, including Lake St. Clair.

26 "Oceangoing vessel" means a vessel that operates on the  
27 Great Lakes after operating in waters outside the Great  
28 Lakes.

29 "Sediment" means any matter settled out of ballast water

1 within a vessel.

2 "Sterilized" means the treatment of ballast water or  
3 sediment, or both, to destroy or remove all living biological  
4 organisms through filtration, thermal methods, ultraviolet  
5 light, biocides, or other techniques approved by the Agency.

6 (b) Prior to January 1, 2002, the Agency shall  
7 promulgate rules to prevent the introduction and minimize the  
8 spread of aquatic nuisance species within the Great Lakes.

9 (1) The rules shall do all of the following:

10 (A) Apply to all vessels capable of  
11 discharging ballast water or sediment, whether  
12 equipped with ballast water tank systems or  
13 otherwise, that operate on the Great Lakes within  
14 the jurisdiction of this State.

15 (B) Protect the safety of each vessel, its  
16 crew, and its passengers, if any.

17 (C) Take into consideration different vessel  
18 operating conditions.

19 (D) Be based on the best scientific  
20 information available.

21 (E) Establish ballast water management  
22 practices that will minimize the amount of sediment  
23 accumulated in ballast tanks and minimize the spread  
24 of aquatic nuisance species in the Great Lakes.  
25 These ballast water management practices shall do  
26 all of the following:

27 (i) Require ballast water exchange  
28 procedures or other approved procedures to be  
29 used if the United States Fish and Wildlife  
30 Service certifies that an aquatic nuisance  
31 species has established a niche community in a  
32 specific harbor and the Agency determines that  
33 the procedures will result in substantial  
34 prevention of the spread of aquatic nuisance

1 species.

2 (ii) Minimize the exchange of ballast  
3 water in areas of known sewer discharge to  
4 avoid the risk of uptake of bacteria and  
5 pathogens.

6 (iii) Require the rinsing of ballast  
7 tanks to remove sediment.

8 (iv) Require that uptake of ballast water  
9 be conducted in a manner that minimizes  
10 sediment uptake.

11 (v) Require vessels, when practical and  
12 safe, to take only the minimum amount of  
13 ballast water required to safely depart the  
14 dock and to complete the uptake of ballast  
15 water in deeper waters.

16 (vi) Require the use of pumps when taking  
17 on ballast water.

18 (vii) Require the operator of a vessel to  
19 examine sea chest suction screens periodically.

20 (vii) Require vessel operators to file an  
21 annual report with the Agency that describes  
22 the vessel's compliance with the rules  
23 promulgated under this subsection.

24 (F) For oceangoing vessels, the rules shall  
25 (i) utilizing the best available technology and  
26 practices, ensure that ballast water and sediment  
27 likely to contain aquatic nuisance species are not  
28 directly or indirectly discharged into the Great  
29 Lakes within the jurisdiction of this State and (ii)  
30 require the use of environmentally sound treatment  
31 methods for ballast water and sediments, such as  
32 sterilization, to prevent the introduction and  
33 spread of aquatic nuisance species.

34 (G) Include such other matters as the Agency

1 considers appropriate.

2 (2) In promulgating rules under this subsection,  
3 the Agency shall consult with the other states and  
4 Canadian provinces bordering the Great Lakes and, when  
5 possible, promote uniform regulatory policies among the  
6 states and Canadian provinces bordering the Great Lakes.

7 (3) At least every 5 years, the Agency shall  
8 evaluate the effectiveness of the rules promulgated under  
9 this subsection and determine whether they have been  
10 effective in preventing the introduction and minimizing  
11 the spread of aquatic nuisance species within the Great  
12 Lakes. If the Agency determines that the rules have not  
13 been effective, the Agency shall promulgate additional or  
14 alternative rules to accomplish this objective.

15 (c) Beginning on January 1, 2002 and subject to  
16 subsection (d) of this Section, a person shall not operate on  
17 the Great Lakes within the jurisdiction of this State an  
18 oceangoing vessel capable of discharging ballast water,  
19 whether equipped with a ballast water tank system or  
20 otherwise, unless the vessel has been issued a permit by the  
21 Agency and the vessel is equipped with all the necessary  
22 equipment to discharge the ballast water or sediment in  
23 compliance with the permit and the rules promulgated under  
24 subsection (b) of this Section. An application for a permit  
25 under this subsection shall be submitted in the manner  
26 required by the Agency and shall contain the information  
27 required by the Agency. The Agency shall assess application  
28 and inspection fees in amounts necessary to implement the  
29 provisions of this subsection.

30 (d) The Agency shall suspend enforcement of the  
31 requirements of this Section if a federal law is enacted or  
32 federal regulations are promulgated after the effective date  
33 of this Section that require vessels operating on the Great  
34 Lakes to comply with ballast water management practices

1 designed to minimize the spread of aquatic nuisance species  
2 in the Great Lakes and require the treatment of ballast water  
3 and sediment for oceangoing vessels. If a federal law is  
4 enacted or federal regulations are promulgated, as described  
5 in this subsection, the Agency shall review the effectiveness  
6 of the federal law or regulations in preventing the  
7 introduction and minimizing the spread of aquatic nuisance  
8 species within the Great Lakes every 3 years. If, as a  
9 result of this review, the Agency determines that reinstating  
10 enforcement of the requirements of this Section and the rules  
11 promulgated under this Section would be more effective than  
12 the federal law or regulations in preventing the introduction  
13 and minimizing the spread of aquatic nuisance species, the  
14 Agency shall reinstate enforcement of the requirements of  
15 this Section and the rules promulgated under this Section.

16 (d) All fees received by the Agency under this Section  
17 shall be deposited into the Aquatic Nuisance Species  
18 Prevention Fund, an interest-bearing special fund created in  
19 the State treasury. Subject to appropriation, moneys in the  
20 Fund shall be used by the Agency to implement the provisions  
21 of this Section.