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BILL



ANALYSIS

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Senate Bill 266 (as introduced 3-19-13)  
Sponsor: Senator Mike Green  
Committee: Natural Resources, Environment and Great Lakes

Date Completed: 5-2-13

### **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 issue a permit for an oceangoing vessel that was in compliance with Federal regulations regarding ballast water management.**

Under Part 31, all oceangoing vessels engaging in port operations in Michigan must obtain a permit from the DEQ. The Department must issue a permit only if an applicant can demonstrate one of the following:

- That the vessel will not discharge aquatic nuisance species.
- If the vessel discharges ballast water or other waste or waste effluent, that the operator will use environmentally sound technology and methods, as determined by the DEQ, that can be used to prevent the discharge of aquatic nuisance species.

("Aquatic nuisance species" means a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on those waters.)

Under the bill, the DEQ also would have to issue a permit if the applicant could demonstrate that the vessel was in compliance with Sections 150.1500 to 151.1518 of 33 CFR Part 151, Subpart C. (These Federal regulations pertain to ballast water management for control of nonindigenous species in the Great Lakes and the Hudson River. The regulations are described below.)

MCL 324.3112

### **BACKGROUND**

Under 33 CFR Part 151, Subpart C, oceangoing vessel operators must use ballast water management practices and meet prescribed ballast water discharge standards (BWDS). The regulations apply to all nonrecreational vessels that are equipped with ballast tanks that operate beyond a prescribed distance of the United States or Canada before passing through certain entry points on U.S. waterways.

The master of each vessel subject to the regulations must employ one of the following ballast water management practices:

- Carry out an exchange of ballast water more than 200 nautical miles from shore and in water more than 6,560 feet deep so that the vessel's tanks contain water with a minimum salinity level of 30 parts per thousand.
- Retain the ballast water onboard the vessel.
- Install and operate a ballast water management system (BWMS) approved by the U.S. Coast Guard.
- Use water only from a U.S. public water system as ballast water.

The regulations prescribe size-based BWDS for organisms, as well as standards applicable to certain indicator microorganisms (such as E. coli), and require vessels using an approved BWMS to meet the standards according to a schedule, in order to discharge ballast water into U.S. waters. All vessels constructed on or after December 1, 2013, must comply with the standards on delivery. For vessels built before the date, the compliance schedule is as follows:

- For vessels with a ballast water capacity of 1,500 to 5,000 cubic meters, the first scheduled drydocking after January 1, 2014.
- For vessels with a ballast water capacity of less than 1,500 cubic meters or greater than 5,000 cubic meters, the first scheduled drydocking after January 1, 2016.

The U.S. Coast Guard may grant an extension to the implementation schedule if it can be documented that compliance for a particular vessel will be impossible.

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

To the extent that issuing permits to oceangoing vessels meeting standards under 33 CFR Part 151 resulted in additional permits being issued, the bill would have a likely positive fiscal impact on the Department of Environmental Quality. This effect would apply only if the more restrictive current conditions for issuing permits have caused vessels to be turned away from using Michigan ports. Fees for these permits range from \$75 to \$8,700, depending on the type of permit required for each vessel.

Fiscal Analyst: Josh Sefton

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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.