
By: **Chairman, Environmental Matters Committee (By Request -
Departmental - Environment)**

Introduced and read first time: February 8, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Ballast Water Management**

3 FOR the purpose of repealing certain ballast water management provisions that
4 require the reporting of certain activities by certain ships entering Maryland
5 waters; repealing certain penalties; and generally relating to the repeal of
6 ballast water management provisions.

7 BY repealing

8 Article - Environment

9 Section 5-5A-01 through 5-5A-08, inclusive, and the subtitle "Subtitle 5A.

10 Ballast Water Management"

11 Annotated Code of Maryland

12 (1996 Replacement Volume and 2004 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Environment**

16 [Subtitle 5A. Ballast Water Management.]

17 [5-5A-01.

18 (a) In this subtitle the following words have the meanings indicated.

19 (b) "Ballast water" means any water and matter taken on board a vessel to
20 control or maintain trim, draft, stability, or stresses of the vessel, without regard to
21 the manner in which it is carried.

22 (c) "Federal guidelines" means the provisions of 33 C.F.R. Part 151, Subpart
23 D, "Ballast Water Management for Control of Nonindigenous Species".

24 (d) "State guidelines" means procedures for ballast water management that
25 are consistent with federal guidelines.

1 (e) "Vessel" means a self-propelled ship in commerce of three hundred gross
2 tons or more.]

3 [5-5A-02.

4 The General Assembly finds that:

5 (1) The waters of the State are a precious, irreplaceable resource
6 essential to the environment, commerce, and recreation of citizens and tourists of the
7 State;

8 (2) Nonindigenous aquatic species introduced into waters of the United
9 States from ballast water have caused tremendous environmental and ecological
10 damage, displacing native species, degrading water quality, and interfering with
11 commerce, including the zebra mussel brought into the Great Lakes and the upper
12 Susquehanna River;

13 (3) Ballast water practices of commercial shipping vessels may cause
14 irreversible damage to waters of the State; and

15 (4) Protective measures against the introduction of nonindigenous
16 aquatic species from ballast water are necessary to minimize exposure of the waters
17 of the State to unwanted contamination and damage caused by these species.]

18 [5-5A-03.

19 This subtitle applies to all vessels carrying ballast water into the waters of the
20 State from a voyage destined for a Maryland port, except:

21 (1) A vessel of the United States Department of Defense or United States
22 Coast Guard subject to the requirements of § 1103 of the National Invasive Species
23 Act of 1996, or any vessel of the armed forces, as defined in 33 U.S.C. § 1322(a)(14),
24 that is subject to the Uniform National Discharge Standards for Vessels of the Armed
25 Forces under 33 U.S.C. § 1322(n); or

26 (2) A vessel:

27 (i) That discharges ballast water or sediments only at the location
28 where the ballast water or sediments originated, if the ballast water or sediments do
29 not mix with ballast water or sediments from areas other than open sea waters; or

30 (ii) That does not discharge ballast water in waters of the State.]

31 [5-5A-04.

32 (a) In order to prevent the introduction and spread of aquatic nuisance species
33 into any river, estuary, bay, or coastal area through the exchange of ballast water of
34 vessels before entering the Chesapeake Bay, the Chesapeake and Delaware Canal,
35 and other waters of the State, the Department shall adopt, by regulation:

1 (1) The federal guidelines, for vessels entering Maryland waters from
2 outside the United States Exclusive Economic Zone; and

3 (2) State guidelines for ballast water management that are consistent
4 with the federal guidelines, for other vessels entering Maryland waters.

5 (b) Nothing in the guidelines adopted under this section may be construed to
6 require a vessel to operate in a manner that may threaten the safety of the vessel or
7 its crew or passengers.]

8 [5-5A-05.

9 The Department shall:

10 (1) Adopt ballast water control report forms, consistent with the form
11 adopted by the United States Coast Guard, to monitor compliance with the federal
12 and State guidelines;

13 (2) Work cooperatively with the United States Coast Guard, the
14 Maryland Port Administration, and the shipping industry to assure distribution of
15 these forms to vessels; and

16 (3) Direct return of the forms to the Department and to the National
17 Ballast Water Information Clearinghouse of the Smithsonian Environmental
18 Research Center.]

19 [5-5A-06.

20 As a condition of use of the waters of the State, the operator, or a shipping agent
21 acting on behalf of the operator, of each vessel that is subject to this subtitle shall
22 complete and return a ballast water control report form in accordance with
23 instructions provided with the form.]

24 [5-5A-07.

25 A vessel operator, either directly or through a shipping agent, who fails to
26 complete and return a ballast water control report form as required by § 5-5A-06 of
27 this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not
28 exceeding \$500.]

29 [5-5A-08.

30 A person who, knowingly and with an intent to deceive, fails to complete and
31 return, or falsifies, a ballast water control report form under § 5-5A-06 of this
32 subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not
33 exceeding 1 year or a fine not exceeding \$5,000 or both.]

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect July 1, 2005.