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

Introduced and read first time: February 8, 2005

Assigned to: Environmental Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 15, 2005

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CHAPTER \_\_\_\_\_

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.

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

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

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

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

10 [5-5A-02.

11 The General Assembly finds that:

12 (1) The waters of the State are a precious, irreplaceable resource  
13 essential to the environment, commerce, and recreation of citizens and tourists of the  
14 State;

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

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

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

25 [5-5A-03.

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

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

33 (2) A vessel:

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

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

2 [5-5A-04.

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

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

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

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

14 [5-5A-05.

15 The Department shall:

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

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

22 (3) Direct return of the forms to the Department and to the National  
23 Ballast Water Information Clearinghouse of the Smithsonian Environmental  
24 Research Center.]

25 [5-5A-06.

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

30 [5-5A-07.

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

1 [5-5A-08.

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

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