

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 5.545 as follows:

6 (30 ILCS 105/5.545 new)

7 Sec. 5.545. Aquatic Nuisance Species Prevention Fund.

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

10 (415 ILCS 5/12.5 new)

11 Sec. 12.5. Ballast water and sediment; permit;
12 inspection program.

13 (a) For the purposes of this Section:

14 "Ballast water" means water and associated solids taken
15 on board a vessel to control or maintain trim, draft,
16 stability, or stresses on the vessel, without regard to the
17 manner in which the water and associated solids are carried.

18 "Sediment" means any matter settled out of ballast water
19 within a vessel.

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

24 (b) Beginning on January 1, 2003, a person shall not
25 operate on the waters of the State a vessel that contains
26 ballast water that was acquired outside the waters of the
27 State, unless the ballast water and any sediment therefrom
28 have been sterilized as required by Agency rule. A violation
29 of this subsection is a Class 3 felony.

1 (c) Beginning on January 1, 2003, a person operating a
2 vessel on the waters of the State shall not cause ballast
3 water or sediment to be discharged, directly or indirectly,
4 into the waters of the State, unless the discharge is
5 authorized by a permit issued by the Agency. An operator who
6 causes the discharge of ballast water into any of the waters
7 of the State without a permit is liable for a civil penalty
8 under Section 42 of this Act.

9 (d) The Agency shall establish a Ballast Water and
10 Sediment Inspection Program that assures that aquatic
11 nuisance species do not enter the waters of the State through
12 the direct or indirect discharge of ballast water or
13 sediment.

14 (e) The Agency shall adopt such procedures and impose
15 such conditions as are necessary to implement the provisions
16 of this Section, including filing requirements and procedures
17 that are appropriate and necessary for the issuance of
18 permits under this Section.

19 (f) The Agency shall assess application and inspection
20 fees in amounts necessary to implement the provisions of this
21 Section. All fees received by the Agency under this Section
22 shall be deposited into the Aquatic Nuisance Species
23 Prevention Fund, an interest-bearing special fund that is
24 created in the State treasury. Subject to appropriation,
25 moneys in the Fund shall be used by the Agency to implement
26 the provisions of this Section.