

1 AN ACT concerning ballast water.

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

4 Section 1. Short title. This Act may be cited as the  
5 Ballast Water Act.

6 Section 5. Definitions. As used in this Act:

7 "Aquatic nuisance species" means a nonindigenous species  
8 that threatens the diversity or abundance of native species,  
9 the ecological stability of infested waters of this State, or  
10 the commercial, agricultural, aquacultural, or recreational  
11 activities dependent on those waters.

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

16 "Ballast water treatment method" means a method of  
17 treating ballast water and sediments to remove or destroy  
18 living biological organisms through one or more of the  
19 following:

- 20 (1) filtration;
- 21 (2) the application of biocides or ultraviolet  
22 light;
- 23 (3) thermal methods; or
- 24 (4) other treatment techniques approved by the  
25 Department.

26 "Department" means the Department of Natural Resources.

27 "Great Lakes" means the Great Lakes and their connecting  
28 waters.

29 "Local unit" means a county, municipality, or township or  
30 an agency or instrumentality of any of these entities.

31 "Nonoceangoing vessel" means a vessel that is not an

1     oceangoing vessel.

2             "Oceangoing vessel" means a vessel that operates on the  
3     Great Lakes after operating in waters outside of the Great  
4     Lakes.

5             "Sediments" means any matter settled out of ballast water  
6     within a vessel.

7             "Waters of this State" means groundwaters, lakes, rivers,  
8     and streams, and all other watercourses and waters, including  
9     the Great Lakes, within the jurisdiction of this State.

10            Section 10. Findings. The legislature finds that it is a  
11     goal of this State to prevent the introduction of and  
12     minimize the spread of aquatic nuisance species within the  
13     waters of this State. The legislature further finds that, to  
14     achieve this goal, this State shall cooperate with the United  
15     States authorities, other states, and the maritime industry.

16            Section 15. Duties; on or before January 1, 2003. On or  
17     before January 1, 2003, the Department shall do all of the  
18     following:

19            (1) Determine whether the ballast water management  
20     practices that were proposed in the Code of Best Practices  
21     for Ballast Water Management by the shipping federation of  
22     Canada on September 28, 2000, are being complied with by all  
23     oceangoing vessels operating within the waters of this State.  
24     Upon request by the Department, the owner or operator of an  
25     oceangoing vessel must provide, on a form developed by the  
26     Department and the shipping federation of Canada,  
27     confirmation of whether or not the vessel is complying with  
28     the ballast water management practices described in this  
29     Section.

30            (2) Determine whether the ballast water management  
31     practices that were proposed in the Code of Best Practices  
32     for Ballast Water Management by the shipping federation of

1 Canada on September 28, 2000, are being complied with by all  
2 nonocean-going vessels operating within the waters of this  
3 State. Upon request by the Department, the owner or operator  
4 of a nonocean-going vessel must provide, on a form developed  
5 by the Department and the lake carriers' association and the  
6 Canadian shipowners' association, confirmation of whether or  
7 not the vessel is complying with the ballast water management  
8 practices described in this Section.

9 (3) Determine the following:

10 (A) Whether one or more ballast water treatment  
11 methods, which protect the safety of the vessel, its  
12 crew, and its passengers, could be used by ocean-going  
13 vessels to prevent the introduction of aquatic nuisance  
14 species into the waters of this State.

15 (B) A time period after which one or more ballast  
16 water treatment methods identified under item (A) could  
17 be used by all ocean-going vessels operating on the waters  
18 of this State.

19 (C) If the Department determines under item (A)  
20 that a ballast water treatment method is not available,  
21 the actions needed to be taken for one or more ballast  
22 water treatment methods that would meet the requirements  
23 of item (A) to be developed, tested, and made available  
24 to vessel owners and operators and a time period after  
25 which the ballast water treatment method or methods may  
26 be used by all ocean-going vessels operating on the waters  
27 of this State. Subsequently, if at any time the  
28 Department determines that one or more of the new ballast  
29 water treatment methods that meet the requirements of  
30 item (A) may be used by ocean-going vessels operating on  
31 the waters of this State, the Department shall determine  
32 a date after which the new ballast water treatment method  
33 or methods may be used by all ocean-going vessels  
34 operating on the waters of this State.

1 Section 20. Duties; on or before July 1, 2004. On or  
2 before July 1, 2004, the Department shall determine whether  
3 all oceangoing vessels that are operating on the waters of  
4 this State are using a ballast water treatment method,  
5 identified by the Department under item (3) of Section 15, to  
6 prevent the introduction of aquatic nuisance species into the  
7 waters of this State. Upon request by the Department, the  
8 owner or operator of an oceangoing vessel must provide, on a  
9 form developed by the Department and the shipping federation  
10 of Canada, confirmation of whether or not the vessel is using  
11 a ballast water treatment method identified by the Department  
12 under item (3) of Section 15. If the Department determines  
13 that all oceangoing vessels that are operating on the waters  
14 of this State are not using a ballast water treatment method  
15 by the dates identified in item (3) of Section 15, the  
16 Department shall determine what the reasons are for not doing  
17 so.

18 Section 25. Other duties.

19 (a) The Department shall do all of the following:

20 (1) On or before January 1, 2003, compile and  
21 maintain a list of all oceangoing vessels and  
22 nonoceangoing vessels that the Department determines have  
23 complied with the ballast water management practices  
24 described in item (1) or (2) of Section 15, as  
25 appropriate, during the previous 12 months. This list  
26 must be continually updated and maintained on the  
27 Department's website.

28 (2) On or before July 1, 2003, if the Department  
29 has determined under subdivision (3)(A) of Section 15,  
30 or if the Department subsequently determines under  
31 subdivision (3)(C) of Section 15, that one or more  
32 ballast water treatment methods could be used by  
33 oceangoing vessels to prevent the introduction of aquatic

1 nuisance species into the waters of this State, compile  
2 and maintain a list of all oceangoing vessels that, after  
3 the date specified in subdivision (3)(B) of Section 15 or  
4 the date identified by the Department under subdivision  
5 (3)(C) of Section 15, as appropriate, have been using one  
6 of these ballast water treatment methods during the  
7 previous 12 months.

8 (3) Continually update and post the lists provided  
9 for in this subsection (a) on the Department's website.

10 (4) Annually distribute a copy of the lists  
11 prepared under this subsection (a) to persons in this  
12 State who have contracts with oceangoing or nonoceangoing  
13 vessel operators for the transportation of cargo.

14 (b) The owner or operator of an oceangoing vessel or a  
15 nonoceangoing vessel that is not on an applicable list  
16 prepared under subsection (a) of this Section and any persons  
17 in this State who have contracts for the transportation of  
18 cargo with an oceangoing or nonoceangoing vessel operator  
19 that is not on an applicable list prepared under subsection  
20 (a) of this Section are not eligible for a new grant, loan,  
21 or award administered by the State.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.