

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2103/1dn
RCT:cjs:jf

February 23, 2009

Lloyd Clark:

This is a draft of the ballast water management proposal. Please review it carefully.

I included restrictions on the discharge of water, other than ballast water, that has been in a ballast tank because water that is used to rinse a tank, for example, will have been exposed to any sediments in the tank but it could be argued that it is not within the definition of ballast water. As we discussed, the draft does not include language about ballast water exchange. Please let me know if you wish to add provisions related to that. The draft also does not require that **all** organisms in discharged water or sediment be killed or removed.

I included emergency rule-making authority because the normal rule-making process takes a fairly long time. It seems unlikely that it could be completed in time to enable the permitting requirement to take effect in six months.

The draft includes an appropriation that allows DNR to expend the fees it collects for ballast water discharge permits. Do you want to authorize any positions for DNR's administration of the program?

Note that under s. 281.53 (1), the permits will have a term of not more than five years. Because the permit requirement is placed in chapter 283, as part of the current pollution discharge permitting system, the penalties in s. 283.91 (2) and (3) will apply. Please let me know if you would prefer different penalties.

Please contact me with any questions and any redraft instructions.

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