

## S 3570

Vessel Incidental Discharge Act

**Congress:** 112 (2011–2013, Ended)

**Chamber:** Senate

**Policy Area:** Transportation and Public Works

**Introduced:** Sep 19, 2012

**Current Status:** Read twice and referred to the Committee on Commerce, Science, and Transportation.

**Latest Action:** Read twice and referred to the Committee on Commerce, Science, and Transportation. (Sep 19, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/senate-bill/3570>

### Sponsor

**Name:** Sen. Rubio, Marco [R-FL]

**Party:** Republican • **State:** FL • **Chamber:** Senate

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Referred To	Sep 19, 2012

### Subjects & Policy Tags

#### Policy Area:

Transportation and Public Works

### Related Bills

*No related bills are listed.*

Vessel Incidental Discharge Act - Requires the Secretary of the department in which the Coast Guard is operating: (1) within 180 days, to establish and implement enforceable uniform national standards for the regulation of discharges incidental to the normal operation of a vessel into navigable waters; (2) within 180 days, to issue a final rule for the regulation of ballast water discharges incidental to the normal operation of a vessel; (3) within two years, to issue a rule establishing best management practices for discharges incidental to the normal operation of a vessel other than ballast water; (4) not less than two years before January 1, 2020, to complete a review to determine the feasibility of achieving the ballast water performance standard; and (5) by January 1, 2020, to issue a rule, subject to such feasibility review, to revise such standard so that a ballast water discharge will contain less than specified concentrations of living organisms, indicator microbes, and viruses.

Applies such revised ballast water performance standard to a vessel on the first dry docking of the vessel on or after January 1, 2020, but no later than December 31, 2022.

Requires the Secretary, no earlier than 10 years after the issuance of the revised rule and every 10 years thereafter, to review and revise such ballast water performance standard if such revision would result in a scientifically demonstrable and substantial reduction in the risk of the introduction or establishment of aquatic nuisance species. Authorizes the Secretary to include in such decennial review national standards for discharges other than ballast water. Requires the Secretary to initiate a rulemaking to revise such national standard if such revision would substantially reduce the impacts on navigable waters of discharges incidental to the normal operation of a vessel other than ballast water. Prohibits the Administrator of the Environmental Protection Agency (EPA) from issuing a revised standard unless it is at least two orders of magnitude more stringent than the performance standard in effect on the date that the review is completed.

Prohibits manufacturers of ballast water treatment technology for a vessel from selling, introducing, delivering for interstate commerce, or importing such technology for sale unless it has been certified under this Act. Sets forth a certification process and certification criteria, including effectiveness, vessel compatibility, effects on vessel safety, environmental impact, and cost effectiveness.

Prohibits the Secretary from approving a ballast water treatment technology if it: (1) uses a biocide or generates a biocide that is a pesticide, unless the biocide is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or the Secretary, in consultation with the Administrator, has approved the use of the biocide in such technology; or (2) uses a biocide or generates a biocide the discharge of which causes or contributes to a violation of a water quality standard under the Federal Water Pollution Control Act (commonly known as the Clean Water Act.)

Prohibits the use of a ballast water treatment technology by an owner or operator of a vessel unless it has been certified by the Secretary. Sets forth exceptions to such requirement.

Sets forth exemptions from permit requirements, prohibitions of any other law, and discharge standards under this Act for specified discharges and vessels.

Authorizes the Secretary to promulgate regulations establishing alternative programs for compliance with ballast water discharge regulations for specified vessels. Directs the Administrator, within one year, to promulgate standards for: (1) the reception of ballast water from a vessel into a reception facility, and (2) the disposal or treatment of such ballast water.

Establishes this Act as the exclusive statutory authority for federal regulation of discharges incidental to the normal

operation of a vessel to which this Act applies.

### **Actions Timeline**

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- **Sep 19, 2012:** Introduced in Senate
- **Sep 19, 2012:** Read twice and referred to the Committee on Commerce, Science, and Transportation.

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