

BALLAST WATER OR SEDIMENTS DO NOT MIX WITH BALLAST WATER OR SEDIMENTS FROM AREAS OTHER THAN OPEN SEA WATERS; OR

(II) THAT DOES NOT DISCHARGE BALLAST WATER IN WATERS OF THE STATE.

5-5A-04.

(A) IN ORDER TO PREVENT THE INTRODUCTION AND SPREAD OF AQUATIC NUISANCE SPECIES INTO ANY RIVER, ESTUARY, BAY, OR COASTAL AREA THROUGH THE EXCHANGE OF BALLAST WATER OF VESSELS BEFORE ENTERING THE CHESAPEAKE BAY, THE CHESAPEAKE AND DELAWARE CANAL, AND OTHER WATERS OF THE STATE, THE DEPARTMENT SHALL ADOPT, BY REGULATION:

(1) THE FEDERAL GUIDELINES, FOR VESSELS ENTERING MARYLAND WATERS FROM OUTSIDE THE UNITED STATES EXCLUSIVE ECONOMIC ZONE; AND

(2) STATE GUIDELINES FOR BALLAST WATER MANAGEMENT THAT ARE CONSISTENT WITH THE FEDERAL GUIDELINES, FOR OTHER VESSELS ENTERING MARYLAND WATERS.

(B) NOTHING IN THE GUIDELINES ADOPTED UNDER THIS SECTION MAY BE CONSTRUED TO REQUIRE A VESSEL TO OPERATE IN A MANNER THAT MAY THREATEN THE SAFETY OF THE VESSEL OR ITS CREW OR PASSENGERS.

5-5A-05.

THE DEPARTMENT SHALL:

(1) ADOPT BALLAST WATER CONTROL REPORT FORMS, CONSISTENT WITH THE FORM ADOPTED BY THE UNITED STATES COAST GUARD, TO MONITOR COMPLIANCE WITH THE FEDERAL AND STATE GUIDELINES;

(2) ASSIST WORK COOPERATIVELY WITH THE UNITED STATES COAST GUARD IN DISTRIBUTING, THE MARYLAND PORT ADMINISTRATION, AND THE SHIPPING INDUSTRY TO ASSURE DISTRIBUTION OF THESE FORMS TO VESSELS; AND

(3) DIRECT RETURN OF THE FORMS TO THE DEPARTMENT AND TO THE NATIONAL BALLAST WATER INFORMATION CLEARINGHOUSE OF THE SMITHSONIAN ENVIRONMENTAL RESEARCH CENTER.

5-5A-06.

AS A CONDITION OF USE OF THE WATERS OF THE STATE, THE OPERATOR, OR AN A SHIPPING AGENT ACTING ON BEHALF OF THE OPERATOR, OF EACH VESSEL THAT IS SUBJECT TO THIS SUBTITLE SHALL COMPLETE AND RETURN A BALLAST WATER CONTROL REPORT FORM IN ACCORDANCE WITH INSTRUCTIONS PROVIDED WITH THE FORM.

5-5A-07.

A PERSON A VESSEL OPERATOR, EITHER DIRECTLY OR THROUGH A SHIPPING AGENT, WHO FAILS TO COMPLETE AND RETURN A BALLAST WATER CONTROL