

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2840
OFFERED BY MR. BISHOP OF NEW YORK**

Page 40, after line 14, insert the following:

1 “(7) STATE OPERATIONAL REQUIREMENTS.—
2 “(A) IN GENERAL.—If any State deter-
3 mines that the protection and enhancement of
4 the quality of some or all of the waters within
5 the State require greater environmental protec-
6 tion, the State may impose standards that are
7 more protective than the standards established
8 under this section, except that a State standard
9 imposed under this paragraph may not—
10 “(i) require the installation of a bal-
11 last water treatment technology that ex-
12 ceeds that required by the standard estab-
13 lished under subsection (c) or as revised
14 under subsection (d); or
15 “(ii) apply until the Administrator
16 and the Secretary determine that the
17 waters of the State require greater envi-
18 ronmental protection and such greater en-
19 vironmental protection can be achieved.

1 “(B) FACTORS FOR DETERMINATION.—

2 “(i) DETERMINATIONS BY ADMINIS-
3 TRATOR.—In making the determination
4 under subparagraph (A)(ii), the Adminis-
5 trator shall consider—

6 “(I) whether the receiving waters
7 have been afforded special protection
8 under Federal or State law;

9 “(II) the benefits to human
10 health, welfare, or the environment of
11 the additional protection for the re-
12 ceiving waters;

13 “(III) the reduction in risk to
14 human health, welfare, or the environ-
15 ment resulting from the additional
16 protection;

17 “(IV) the propagule pressure to
18 be addressed by the additional protec-
19 tion;

20 “(V) applicable Federal and
21 State law;

22 “(VI) applicable international
23 standards; and

24 “(VII) the costs and benefits of
25 providing the additional protection.

1 “(ii) DETERMINATIONS BY SEC-
2 RETARY.—In making the determination
3 under (A)(ii), the Secretary shall con-
4 sider—

5 “(I) the effect that the use of ad-
6 ditional protection would have on the
7 operation, operational capability, or
8 safety of the vessel;

9 “(II) the potential impacts on
10 shipping, trade, and other uses of the
11 aquatic environment;

12 “(III) applicable international
13 standards; and

14 “(IV) the costs and benefits of
15 providing the additional protection.

16 “(C) DEADLINE.—Upon application of the
17 State, the Administrator and the Secretary
18 shall make the determination within 180 days
19 of the date of the application.

20 “(D) APPROVAL OF STATE STANDARDS.—
21 If the Administrator and the Secretary deter-
22 mine upon application by a State that the pro-
23 tection and enhancement of the quality of speci-
24 fied waters within that State requires more pro-
25 tective standards and that such greater environ-

1 mental protection can be achieved, the Adminis-
2 trator and the Secretary shall approve the State
3 standards.”.

