



**House
Legislative
Analysis
Section**

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AMEND WATERCRAFT POLLUTION CONTROL ACT

RECEIVED
APR 17 1989

House Bill 4245

Sponsor: Rep. Jerry C. Bartnik

Committee: Tourism, Fisheries, &
Wildlife

Mich State Law Library

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A SUMMARY OF HOUSE BILL 4245 AS INTRODUCED 2-21-89

The Watercraft Pollution Control Act allows the Water Resources Commission of the Department of Natural Resources to approve pleasure and recreational watercraft moored or registered in another state or jurisdiction to operate on Michigan waters if they are equipped with pollution control devices approved by the jurisdiction in which they are registered. The bill would delete this provision and prohibit the mooring, ownership or operation of a watercraft with a marine sanitation device unless the device was equipped with at least one pollution control device as specified in the act. In addition, the bill would prohibit the mooring, ownership or operation of watercraft within the state which had a marine sanitation device that was equipped with any type of bypass connection, pump, or other means of directly or indirectly discharging sewage into state waters unless the device had been rendered permanently incapable of directly or indirectly discharging sewage into state waters. The department, by rule, could exempt certain ocean going watercraft from this provision. Watercraft with discharge lines used to empty holding tanks or retention devices at an onshore sewage pump-out station would be exempt from this provision. The department would be required to place a sticker on watercraft that had been inspected for compliance with the bill's sanitation device provisions. The sticker would list the date that the watercraft was inspected, and would prohibit the department from inspecting a watercraft for compliance more than once per year except upon probable cause.

Under the bill, all docking facilities with a capacity of 16 watercraft or more would have to provide pump-out facilities for marine sanitation device holding tanks on watercraft. Docking facilities in existence at the time of the enactment of the bill would be exempt from this requirement as long as they had a contract to use (and did use) the pump-out facilities of a docking facility in the vicinity. However, facilities that were constructed or expanded by a cumulative amount exceeding 25 percent or more than fifteen slips (whichever was less) after the effective date of the bill would then be subject to its provisions. Also, after the effective date of the bill all pump-out facility plans and installations would have to be approved by the Department of Natural Resources. Docking facilities holding only small watercraft not equipped with marine sanitation devices would be exempt from pump-out facility requirements under the bill.

Currently, the act prohibits the discharge of oil or oily wastes from a watercraft into state waters if the oil or the oily wastes threaten to pollute or contribute to the pollution of the waters, adjoining shorelines or beaches. The bill would prohibit any discharge of oil from watercraft or docking facilities. Under the act, if oil is discharged from watercraft the owner or operator is liable to the state for the full amount of costs reasonably incurred for the removal of the oil. The bill would make both the owner and the operator liable. Further, the state could bring action against both the owner and the operator to recover its costs for removal of oil.

The bill would specify that the DNR could develop rules necessary or convenient to carry out responsibilities required under the bill. However, before development of rules occurred, the bill would require the department to appoint and consult an advisory committee that was representative of the major interests affected by the proposed rule.

The bill would add imprisonment for 92 days or less, or a combination of imprisonment and a \$500 fine, as possible punishment for violation of the act.

The bill would repeal provisions in the act pertaining to docking facilities with a capacity of 15 watercraft or less and facilities operated, owned or leased by the state or the waterways commission. In addition, the bill would repeal a provision requiring applicants for boat plate registration to disclose to the commission whether the watercraft had in or on it a marine toilet, and whether the toilet was equipped with a pollution control device.

MCL 323.331 et al.