

HOUSE BILL No. 4248

February 14, 2001, Introduced by Reps. Kowall, Gilbert, Bishop, Allen, Kooiman, Van Woerkom, Shackleton, Hager, George, Richardville, Vear, Stewart, Julian, Vander Veen, Patterson, Faunce, Bovin, Rocca, Koetje, DeVuyst, Richner, Mortimer and Raczkowski and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 3101 (MCL 324.3101), as amended by 1997 PA
29, and by adding section 3109c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3101. As used in this part:

2 (A) "AQUATIC NUISANCE SPECIES" MEANS A NONINDIGENOUS SPECIES
3 THAT THREATENS THE DIVERSITY OR ABUNDANCE OF NATIVE SPECIES OR
4 THE ECOLOGICAL STABILITY OF INFESTED WATERS, OR COMMERCIAL, AGRI-
5 CULTURAL, AQUACULTURAL, OR RECREATIONAL ACTIVITIES DEPENDENT ON
6 SUCH WATERS.

7 (B) "BALLAST WATER" MEANS WATER AND ASSOCIATED SOLIDS TAKEN
8 ON BOARD A VESSEL TO CONTROL OR MAINTAIN TRIM, DRAFT, STABILITY,
9 OR STRESSES ON THE VESSEL, WITHOUT REGARD TO THE MANNER IN WHICH
10 IT IS CARRIED.

1 (C) ~~(a)~~ "Department" means the department of environmental
2 quality.

3 (D) ~~(b)~~ "Detroit consumer price index" means the most com-
4 prehensive index of consumer prices available for the Detroit
5 area from the United States department of labor, bureau of labor
6 statistics.

7 (E) "GREAT LAKES" MEANS THE GREAT LAKES AND THEIR CONNECTING
8 WATERS INCLUDING LAKE ST. CLAIR.

9 (F) ~~(c)~~ "Local unit" means a county, city, village, or
10 township or an agency or instrumentality of any of these
11 entities.

12 (G) ~~(d)~~ "Municipality" means this state, a county, city,
13 village, or township, or an agency or instrumentality of any of
14 these entities.

15 (H) "SEDIMENTS" MEANS ANY MATTER SETTLED OUT OF BALLAST
16 WATER WITHIN A VESSEL.

17 (I) ~~(e)~~ "Sewage sludge" means sewage sludge generated in
18 the treatment of domestic sewage, other than only septage or
19 industrial waste.

20 (J) ~~(f)~~ "Sewage sludge derivative" means a product for
21 land application derived from sewage sludge that does not include
22 solid waste or other waste regulated under this act.

23 (K) ~~(g)~~ "Sewage sludge generator" means a person who gen-
24 erates sewage sludge that is applied to land.

25 (l) ~~(h)~~ "Sewage sludge distributor" means a person who
26 applies, markets, or distributes, except at retail, a sewage
27 sludge derivative.

1 (M) "ST. LAWRENCE WATERWAY" MEANS THE ST. LAWRENCE RIVER,
2 THE ST. LAWRENCE SEAWAY, AND THE GULF OF ST. LAWRENCE.

3 (N) "STERILIZED" MEANS THE TREATMENT OF BALLAST WATER OR
4 SEDIMENTS, OR BOTH, TO REMOVE OR DESTROY LIVING BIOLOGICAL ORGAN-
5 ISMS THROUGH 1 OR MORE OF THE FOLLOWING:

6 (i) FILTRATION.

7 (ii) THE APPLICATION OF BIOCIDES OR ULTRAVIOLET LIGHT.

8 (iii) THERMAL METHODS.

9 (iv) OTHER TREATMENT TECHNIQUES APPROVED BY THE DEPARTMENT.

10 (O) ~~(i)~~ "Waters of the state" means groundwaters, lakes,
11 rivers, and streams and all other watercourses and waters,
12 INCLUDING THE GREAT LAKES, within the jurisdiction of this
13 state. ~~and also the Great Lakes bordering this state.~~

14 SEC. 3109C. (1) BEGINNING JANUARY 1, 2006, A PERSON SHALL
15 NOT OPERATE A COMMERCIAL VESSEL CAPABLE OF DISCHARGING BALLAST
16 WATER, WHETHER EQUIPPED WITH A BALLAST WATER TANK SYSTEM OR OTH-
17 ERWISE, ON THE GREAT LAKES WITHIN THE JURISDICTION OF THE STATE
18 UNLESS THAT VESSEL IS EQUIPPED WITH AN ON-BOARD BALLAST WATER
19 MONITORING SYSTEM. THE ON-BOARD BALLAST WATER MONITORING SYSTEM
20 REQUIRED UNDER THIS SECTION SHALL DO BOTH OF THE FOLLOWING:

21 (A) PROVIDE FOR ONGOING MONITORING OF BALLAST WATER AND SED-
22 IMENTS FOR THE PRESENCE OF AQUATIC NUISANCE SPECIES.

23 (B) PROVIDE FOR THE RESULTS OF THE MONITORING SYSTEM UNDER
24 SUBDIVISION (A) TO BE AVAILABLE TO THE DEPARTMENT ELECTRONICALLY
25 VIA SATELLITE TRANSMISSION.

26 (2) BEGINNING JANUARY 1, 2006, A PERSON SHALL NOT DISCHARGE
27 BALLAST WATER OR SEDIMENTS FROM A COMMERCIAL VESSEL INTO THE

1 WATERS OF THE STATE UNLESS THAT PERSON IS IN COMPLIANCE WITH
2 SUBSECTION (1) AND HAS BEEN ISSUED A DISCHARGE PERMIT FROM THE
3 DEPARTMENT. A PERMIT ISSUED UNDER THIS SECTION SHALL NOT ALLOW
4 THE DISCHARGE OF BALLAST WATER OR SEDIMENTS INTO THE WATERS OF
5 THE STATE UNLESS THE BALLAST WATER AND SEDIMENTS HAVE BEEN STER-
6 ILIZED TO PREVENT THE INTRODUCTION AND SPREAD OF AQUATIC NUISANCE
7 SPECIES IN THE GREAT LAKES.

8 (3) AN APPLICATION FOR A PERMIT UNDER SUBSECTION (2) SHALL
9 BE SUBMITTED IN THE MANNER REQUIRED BY THE DEPARTMENT AND SHALL
10 CONTAIN THE INFORMATION REQUIRED BY THE DEPARTMENT.

11 (4) BY JUNE 30, 2002, THE DEPARTMENT SHALL PROMULGATE RULES
12 TO IMPLEMENT THIS SECTION. IN PROMULGATING RULES UNDER THIS SEC-
13 TION, THE DEPARTMENT SHALL CONSULT WITH OTHER STATES AND CANADIAN
14 PROVINCES BORDERING THE GREAT LAKES AND THE ST. LAWRENCE
15 WATERWAY.

16 (5) THE DEPARTMENT SHALL SUSPEND ENFORCEMENT OF THE REQUIRE-
17 MENTS OF THIS SECTION AND THE RULES PROMULGATED UNDER THIS SEC-
18 TION IF A FEDERAL LAW IS ENACTED OR FEDERAL REGULATIONS ARE
19 PROMULGATED AFTER THE EFFECTIVE DATE OF THIS SECTION THAT REQUIRE
20 COMMERCIAL VESSELS OPERATING ON THE GREAT LAKES TO COMPLY WITH
21 BALLAST WATER MANAGEMENT PRACTICES DESIGNED TO MINIMIZE THE
22 SPREAD OF AQUATIC NUISANCE SPECIES IN THE GREAT LAKES AND REQUIRE
23 THE TREATMENT OF BALLAST WATER AND SEDIMENTS FOR OCEANGOING COM-
24 Mercial VESSELS.

25 Enacting section 1. This amendatory act does not take
26 effect unless all of the following bills of the 91st Legislature
27 are enacted into law:

1 (a) Senate Bill No. ____ or House Bill No. 4194 (request
2 no. 00260'01).

3 (b) Senate Bill No. ____ or House Bill No. 4189 (request
4 no. 00860'01).