

SUBSTITUTE FOR
HOUSE BILL NO. 5586
(As amended May 6, 2004)

[A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 3101 (MCL 324.3101), as amended by 2004 PA
90, and by adding section 3111b; and to repeal acts and parts of acts.]

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,
5 agricultural, aquacultural, or recreational activities dependent
6 on 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) "Ballast water treatment method" means a method of
2 treating ballast water and sediments to remove or destroy living
3 biological organisms through 1 or more of the following:

4 (i) Filtration.

5 (ii) The application of biocides or ultraviolet light.

6 (iii) Thermal methods.

7 (iv) Other treatment techniques approved by the department.

8 (d) "Department" means the department of environmental
9 quality.

10 (e) "Detroit consumer price index" means the most
11 comprehensive index of consumer prices available for the Detroit
12 area from the United States department of labor, bureau of labor
13 statistics.

14 (f) **"Emergency management coordinator" means that term as**
15 **defined in section 2 of the emergency management act, 1976 PA**
16 **390, MCL 30.402.**

17 (g) ~~-(f)-~~ "Great Lakes" means the Great Lakes and their
18 connecting waters, including Lake St. Clair.

19 (h) ~~-(g)-~~ "Group 1 facility" means a facility whose discharge
20 is described by R 323.2218 of the Michigan administrative code.

21 (i) ~~-(h)-~~ "Group 2 facility" means a facility whose discharge
22 is described by R 323.2210(y), R 323.2215, or R 323.2216 of the
23 Michigan administrative code.

24 (j) ~~-(i)-~~ "Group 3 facility" means a facility whose discharge
25 is described by R 323.2211 or R 323.2213 of the Michigan
26 administrative code.

27 (k) **"Local health department" means that term as defined in**

1 **section 1105 of the public health code, 1978 PA 368, MCL**
2 **333.1105.**

3 (l) ~~-(j)-~~ "Local unit" means a county, city, village, or
4 township or an agency or instrumentality of any of these
5 entities.

6 (m) ~~-(k)-~~ "Municipality" means this state, a county, city,
7 village, or township, or an agency or instrumentality of any of
8 these entities.

9 (n) "National response center" means the national
10 communications center established under the clean water act, 33
11 USC 1251 to 1387, located in Washington, DC, that receives and
12 relays notice of oil discharge or releases of hazardous
13 substances to appropriate federal officials.

14 (o) ~~-(l)-~~ "Nonocean-going vessel" means a vessel that is not
15 an ocean-going vessel.

16 (p) ~~-(m)-~~ "Ocean-going vessel" means a vessel that operates on
17 the Great Lakes or the St. Lawrence waterway after operating in
18 waters outside of the Great Lakes or the St. Lawrence waterway.

19 (q) "Primary public safety answering point" means that term
20 as defined in section 102 of the emergency telephone service
21 enabling act, 1986 PA 32, MCL 484.1102.

22 (r) ~~-(n)-~~ "Sediments" means any matter settled out of ballast
23 water within a vessel.

24 (s) ~~-(o)-~~ "Sewage sludge" means sewage sludge generated in
25 the treatment of domestic sewage, other than only septage or
26 industrial waste.

27 (t) ~~-(p)-~~ "Sewage sludge derivative" means a product for land

1 application derived from sewage sludge that does not include
2 solid waste or other waste regulated under this act.

3 (u) ~~(q)~~ "Sewage sludge generator" means a person who
4 generates sewage sludge that is applied to land.

5 (v) ~~(r)~~ "Sewage sludge distributor" means a person who
6 applies, markets, or distributes, except at retail, a sewage
7 sludge derivative.

8 (w) ~~(s)~~ "St. Lawrence waterway" means the St. Lawrence
9 river, the St. Lawrence seaway, and the gulf of St. Lawrence.

10 (x) **"Threshold reporting quantity" means that term as defined**
11 **in R 324.2002 of the Michigan administrative code.**

12 (y) ~~(t)~~ "Waters of the state" means groundwaters, lakes,
13 rivers, and streams and all other watercourses and waters,
14 including the Great Lakes, within the jurisdiction of this
15 state.

16 **Sec. 3111b. (1) If a person is required to report a release**
17 **to the department under part 5 of the water resources protection**
18 **rules, R 324.2001 to R 324.2009 of the Michigan administrative**
19 **code, the person, via a 9-1-1 call, shall at the same time report**
20 **the release to the primary public safety answering point serving**
21 **the jurisdiction where the release occurred.**

22 **(2) If a person described in subsection (1) is required to**
23 **subsequently submit to the department a written report on the**
24 **release under part 5 of the water resources protection rules,**
25 **R 324.2001 to R 324.2009 of the Michigan administrative code, the**
26 **person shall at the same time submit a copy of the report to the**
27 **local health department serving the jurisdiction where the**

1 release occurred.

2 (3) If the department of state police or other state agency
3 receives notification, pursuant to an agreement with or the laws
4 of another state, Canada, or the province of Ontario, of the
5 release in that other jurisdiction of a polluting material in
6 excess of the threshold reporting quantity and if the polluting
7 material has entered or may enter surface waters or groundwaters
8 of this state, the department of state police or other state
9 agency shall contact the primary public safety answering point
10 serving each county that may be affected by the release.

11 (4) The emergency management coordinator of each county shall
12 develop and oversee the implementation of a plan to provide
13 timely notification of a release required to be reported under
14 subsection (1) or (3) to appropriate local, state, and federal
15 agencies. In developing and overseeing the implementation of the
16 plan, the emergency management coordinator shall consult with [both of
the following:

17 (a) The] directors of the primary public safety answering points
with
18 jurisdiction within the county.

[(b) Any emergency management coordinator appointed for a city,
village, or township located in that county.]

19 (5) If rules promulgated under this part require a person to
20 maintain a pollution incident prevention plan, the person shall
21 update the plan to include the requirements of subsections (1)
22 and (2) when conducting any evaluation of the plan required by
23 rule.

24 (6) If a person reports to the department a release pursuant
25 to subsection (1), the department shall do both of the
26 following:

27 (a) Notify the person of the requirements imposed under

1 subsections (1) and (2).

2 (b) Request that the person, even if not responsible for the
3 release, report the release, via a 9-1-1 call, to the primary
4 public safety answering point serving 1 of the following, as
5 applicable:

6 (i) The jurisdiction where the release occurred, if known.

7 (ii) The jurisdiction where the release was discovered, if
8 the jurisdiction where the release occurred is not known.

9 (7) The department shall notify the public and interested
10 parties, by posting on its website within 30 days after the
11 effective date of the amendatory act that added this section and
12 by other appropriate means, of all of the following:

13 (a) The requirements of subsections (1) and (2).

14 (b) The relevant voice, and, if applicable, facsimile
15 telephone numbers of the department and the national response
16 center.

17 (c) The criminal and civil sanctions under section 3115
18 applicable to violations of subsections (1) and (2).

19 (8) Failure of the department to provide a person with the
20 notification required under subsection (6) or (7) does not
21 relieve the person of any obligation to report a release or other
22 legal obligation.

23 (9) The department shall biennially do both of the
24 following:

25 (a) Evaluate the state and local reporting system established
26 under this section.

27 (b) Submit to the standing committees of the senate and house

House Bill No. 5586 (H-6) as amended May 6, 2004

1 of representatives with primary responsibility for environmental
2 protection issues a written report on any changes recommended to
3 the reporting system.

4 Enacting section 1. This amendatory act does not take
5 effect unless Senate Bill No. 977 of the 92nd Legislature is
6 enacted into law.

[Enacting section 2. Section 51107 of the natural resources and
environmental protection act, 1994 PA 451, MCL 324.51107, is repealed.]