

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5586**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3101 and 51107 (MCL 324.3101 and 324.51107), section 3101 as amended by 2004 PA 90 and section 51107 as added by 1995 PA 57, and by adding section 3111b.

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

1 it is carried.

2 (c) "Ballast water treatment method" means a method of
3 treating ballast water and sediments to remove or destroy living
4 biological organisms through 1 or more of the following:

5 (i) Filtration.

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

7 (iii) Thermal methods.

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

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

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

15 (f) **"Emergency management coordinator" means that term as**
16 **defined in section 2 of the emergency management act, 1976 PA**
17 **390, MCL 30.402.**

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

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

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

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

1 **(k) "Local health department" means that term as defined in**
2 **section 1105 of the public health code, 1978 PA 368, MCL**
3 **333.1105.**

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

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

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

15 **(o) —(l)— "Nonocean-going vessel" means a vessel that is not**
16 **an ocean-going vessel.**

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

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

23 **(r) —(n)— "Sediments" means any matter settled out of ballast**
24 **water within a vessel.**

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

1 (t) ~~(p)~~ "Sewage sludge derivative" means a product for land
2 application derived from sewage sludge that does not include
3 solid waste or other waste regulated under this act.

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

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

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

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

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

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

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

1 local health department serving the jurisdiction where the
2 release occurred.

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

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

19 (a) The directors of the primary public safety answering
20 points with jurisdiction within the county.

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

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

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

4 (a) Notify the person of the requirements imposed under
5 subsections (1) and (2).

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

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

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

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

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

18 (b) The relevant voice, and, if applicable, facsimile
19 telephone numbers of the department and the national response
20 center.

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

23 (8) Failure of the department to provide a person with the
24 notification required under subsection (6) or (7) does not
25 relieve the person of any obligation to report a release or other
26 legal obligation.

27 (9) The department shall biennially do both of the

1 following:

2 (a) Evaluate the state and local reporting system established
3 under this section.

4 (b) Submit to the standing committees of the senate and house
5 of representatives with primary responsibility for environmental
6 protection issues a written report on any changes recommended to
7 the reporting system.

8 Sec. 51107. The annual specific tax and state payment
9 described in section 51106 ~~—~~ shall be adjusted in ~~2004~~ 2006
10 and every tenth year after ~~2004~~ 2006 to the nearest cent by the
11 use of a ratio computed by the revenue division of the department
12 of treasury. The ratio shall be computed by using the state
13 equalized value per acre of the timber cutover lands within the
14 state in 1990 as the denominator and using the state equalized
15 value per acre for timber cutover lands in 2004 and every tenth
16 year after 2004 as the numerator.

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