

# SENATE BILL No. 977

February 12, 2004, Introduced by Senators GILBERT, PATTERSON, SWITALSKI, McMANUS, ALLEN, OLSHOVE, KUIPERS, VAN WOERKOM, BIRKHOLZ, GOSCHKA and SANBORN and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, 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  
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) "Great Lakes" means the Great Lakes and their connecting  
15 waters, including lake St. Clair.

16 (g) "Local unit" means a county, city, village, or township  
17 or an agency or instrumentality of any of these entities.

18 (h) **"Local health department" means that term as defined in**  
19 **section 1105 of the public health code, 1978 PA 368, MCL**  
20 **333.1105.**

21 (i) ~~(h)~~ "Municipality" means this state, a county, city,  
22 village, or township, or an agency or instrumentality of any of  
23 these entities.

24 (j) ~~(i)~~ "Nonocean-going vessel" means a vessel that is not  
25 an ocean-going vessel.

26 (k) ~~(j)~~ "Ocean-going vessel" means a vessel that operates on  
27 the Great Lakes or the St. Lawrence waterway after operating in

1 waters outside of the Great Lakes or the St. Lawrence waterway.

2 (l) ~~(k)~~ "Sediments" means any matter settled out of ballast  
3 water within a vessel.

4 (m) ~~(l)~~ "Sewage sludge" means sewage sludge generated in  
5 the treatment of domestic sewage, other than only septage or  
6 industrial waste.

7 (n) ~~(m)~~ "Sewage sludge derivative" means a product for land  
8 application derived from sewage sludge that does not include  
9 solid waste or other waste regulated under this act.

10 (o) ~~(n)~~ "Sewage sludge generator" means a person who  
11 generates sewage sludge that is applied to land.

12 (p) ~~(o)~~ "Sewage sludge distributor" means a person who  
13 applies, markets, or distributes, except at retail, a sewage  
14 sludge derivative.

15 (q) ~~(p)~~ "St. Lawrence waterway" means the St. Lawrence  
16 river, the St. Lawrence seaway, and the gulf of St. Lawrence.

17 (r) **"Threshold reporting quantity" means that term as defined**  
18 **in R 324.2002 of the Michigan administrative code.**

19 (s) ~~(q)~~ "Waters of the state" means groundwaters, lakes,  
20 rivers, and streams and all other watercourses and waters,  
21 including the Great Lakes, within the jurisdiction of this  
22 state.

23 **Sec. 3111b. (1) The person responsible for the release of**  
24 **any polluting material to the surface waters or groundwaters of**  
25 **this state in excess of the threshold reporting quantity shall**  
26 **immediately report the release to the department and each local**  
27 **health department whose jurisdictional area includes waters that**

1 may be affected by the release.

2       (2) Within 10 days after the date of a release described in  
3 subsection (1), the person responsible for the release shall  
4 submit to the department and each local health department  
5 described in subsection (1) a full written explanation of all of  
6 the following:

7       (a) The cause of the release.

8       (b) The amount of the polluting material released.

9       (c) The time the release began and ended.

10       (d) Response measures taken or to be taken.

11       (e) The amount of polluting material recovered.

12       (f) Measures undertaken to prevent the recurrence of similar  
13 releases.