

SENATE BILL NO. 746

November 30, 2021, Introduced by Senators CHANG and SCHMIDT and referred to the Committee on Economic and Small Business Development.

A bill to regulate certain port facilities; to impose certain duties, obligations, and conditions on the owners or operators of certain port facilities; to provide for the reporting of certain information; and to impose certain duties on certain state departments.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. This act may be cited as the "port environmental
- 2 impact transparency plan act".

1 Sec. 2. As used in this act:

2 (a) "Port authority" means a port authority created under the
3 Hertel-Law-T. Stopczynski port authority act, 1978 PA 639, MCL
4 120.101 to 120.130, or a port commission created under 1925 PA 234,
5 MCL 120.1 to 120.35.

6 (b) "Port facilities" means structures and improvements to
7 land located alongside navigable water and that are used for 1 or
8 more of the following:

9 (i) Loading and unloading of cargo from ships, ferries, and
10 other floating vessels.

11 (ii) Support of the operation of vessels.

12 (iii) Cargo handling, storage, packing, and transfer or movement
13 to other modes of transportation.

14 (iv) Assembly, processing, refinement, or improvement of goods
15 recently received from or prior to entry into maritime transport.

16 (c) "Project" means the acquisition, purchase, construction,
17 reconstruction, rehabilitation, remodeling, improvement,
18 enlargement, repair, condemnation, maintenance, finance, or
19 operation of a port facility.

20 Sec. 3. Beginning January 1, 2023, before initiating a new
21 project, a port authority or the owner or operator of a port
22 facility must develop a 5-year environmental impact transparency
23 plan and make good-faith efforts to ensure that the project must be
24 located, designed, and constructed to minimize adverse
25 environmental and surface transportation impacts and provide for
26 other beneficial uses, including, but not limited to, wildlife
27 habitat uses, to the extent possible. The environmental impact
28 transparency plan shall be filed with the department of
29 environment, Great Lakes, and energy and the state transportation

1 department and must address all of the following:

2 (a) Protecting the community from harmful environmental
3 impacts.

4 (b) Promoting sustainability.

5 (c) Employing best available technology to avoid or reduce
6 environmental impact.

7 (d) Including specific performance measures on the effect of
8 development on habitat areas and the marine environment, reviewing
9 existing water quality, habitat areas, and air pollution caused by
10 movement of goods through maritime ports, and proposals to minimize
11 and mitigate any substantial adverse impact.

12 (e) Providing for real-time air monitoring.

13 (f) Assigning goals, targets, timelines, and metrics for all
14 sustainability programs.

15 (g) Providing periodic review of existing measures, evaluation
16 of new measures and technologies, and the incorporation of new
17 regulations and information.

18 (h) Ensuring that the owners or operators of port facilities
19 clean up contaminated sites to facilitate redevelopment of port
20 facilities.

21 Sec. 4. A port authority or the owner or operator of a port
22 facility must post a copy of its 5-year environmental impact
23 transparency plan on the website of the port authority or on the
24 website of the owner or operator of the port facility.