

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 152**

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 3103a.

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.

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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) ~~(a)~~ "Department" means the department of environmental
9 quality.

10 (E) ~~(b)~~ "Detroit consumer price index" means the most com-
11 prehensive 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) ~~(c)~~ "Local unit" means a county, city, village, or
17 township or an agency or instrumentality of any of these
18 entities.

19 (H) ~~(d)~~ "Municipality" means this state, a county, city,
20 village, or township, or an agency or instrumentality of any of
21 these entities.

22 (I) "NONOCEANGOING VESSEL" MEANS A VESSEL THAT IS NOT AN
23 OCEANGOING VESSEL.

24 (J) "OCEANGOING VESSEL" MEANS A VESSEL THAT OPERATES ON THE
25 GREAT LAKES OR THE ST. LAWRENCE WATERWAY AFTER OPERATING IN
26 WATERS OUTSIDE OF THE GREAT LAKES OR THE ST. LAWRENCE WATERWAY.

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1 (K) "SEDIMENTS" MEANS ANY MATTER SETTLED OUT OF BALLAST
2 WATER WITHIN A VESSEL.

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

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

9 (N) ~~(g)~~ "Sewage sludge generator" means a person who gen-
10 erates sewage sludge that is applied to land.

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

14 (P) "ST. LAWRENCE WATERWAY" MEANS THE ST. LAWRENCE RIVER,
15 THE ST. LAWRENCE SEAWAY, AND THE GULF OF ST. LAWRENCE.

16 (Q) ~~(i)~~ "Waters of the state" means groundwaters, lakes,
17 rivers, and streams and all other watercourses and waters,
18 INCLUDING THE GREAT LAKES, within the jurisdiction of this
19 state. ~~and also the Great Lakes bordering this state.~~

20 SEC. 3103A. (1) THE LEGISLATURE FINDS BOTH OF THE
21 FOLLOWING:

22 (A) IT IS A GOAL OF THIS STATE TO PREVENT THE INTRODUCTION
23 OF AND MINIMIZE THE SPREAD OF AQUATIC NUISANCE SPECIES WITHIN THE
24 GREAT LAKES.

25 (B) THAT, TO ACHIEVE THE GOAL STATED IN SUBDIVISION (A),
26 THIS STATE SHALL COOPERATE WITH THE UNITED STATES AND CANADIAN

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1 AUTHORITIES, OTHER STATES AND PROVINCES, AND THE MARITIME
2 INDUSTRY.

3 (2) BY MARCH 1, 2002, THE DEPARTMENT SHALL DO ALL OF THE
4 FOLLOWING:

5 (A) DETERMINE WHETHER THE BALLAST WATER MANAGEMENT PRACTICES
6 THAT WERE PROPOSED BY THE SHIPPING FEDERATION OF CANADA TO THE
7 DEPARTMENT ON JUNE 7, 2000 ARE BEING COMPLIED WITH BY ALL OCEAN-
8 GOING VESSELS OPERATING ON THE GREAT LAKES AND THE ST. LAWRENCE
9 WATERWAY. UPON REQUEST BY THE DEPARTMENT, THE OWNER OR OPERATOR
10 OF AN OCEANGOING VESSEL SHALL PROVIDE, ON A FORM DEVELOPED BY THE
11 DEPARTMENT AND THE SHIPPING FEDERATION OF CANADA, CONFIRMATION OF
12 WHETHER OR NOT THE VESSEL IS COMPLYING WITH THE BALLAST WATER
13 MANAGEMENT PRACTICES DESCRIBED IN THIS SUBDIVISION.

14 (B) DETERMINE WHETHER THE BALLAST WATER MANAGEMENT PRACTICES
15 THAT WERE PROPOSED JOINTLY BY THE LAKE CARRIERS' ASSOCIATION AND
16 THE CANADIAN SHIPOWNERS' ASSOCIATION TO THE DEPARTMENT ON
17 JANUARY 26, 2001 ARE BEING COMPLIED WITH BY ALL NONOCEANGOING
18 VESSELS OPERATING ON THE GREAT LAKES AND THE ST. LAWRENCE
19 WATERWAY. UPON REQUEST BY THE DEPARTMENT, THE OWNER OR OPERATOR
20 OF A NONOCEANGOING VESSEL SHALL PROVIDE, ON A FORM DEVELOPED BY
21 THE DEPARTMENT AND THE LAKE CARRIERS' ASSOCIATION AND THE
22 CANADIAN SHIPOWNERS' ASSOCIATION, CONFIRMATION OF WHETHER OR NOT
23 THE VESSEL IS COMPLYING WITH THE BALLAST WATER MANAGEMENT PRAC-
24 TICES DESCRIBED IN THIS SUBDIVISION. FOR A NONOCEANGOING VESSEL
25 THAT IS A FERRY USED TO TRANSPORT MOTOR VEHICLES ACROSS LAKE
26 MICHIGAN, IF THE CONFIGURATION OF THE VESSEL WOULD PROHIBIT
27 COMPLIANCE WITH 1 OR MORE OF THE BALLAST WATER MANAGEMENT

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1 PRACTICES DESCRIBED IN THIS SECTION, THE DEPARTMENT SHALL
2 ESTABLISH ALTERNATIVE BALLAST WATER MANAGEMENT PRACTICES FOR THE
3 VESSEL AND SHALL DETERMINE WHETHER THOSE PRACTICES ARE BEING COM-
4 PLIED WITH.

5 (C) DETERMINE WHETHER EITHER OR BOTH OF THE BALLAST WATER
6 MANAGEMENT PRACTICES DESCRIBED IN SUBDIVISIONS (A) AND (B) HAVE
7 BEEN MADE CONDITIONS OF PASSAGE ON THE ST. LAWRENCE SEAWAY BY THE
8 ST. LAWRENCE SEAWAY MANAGEMENT CORPORATION AND THE SAINT LAWRENCE
9 SEAWAY DEVELOPMENT CORPORATION.

10 (D) DETERMINE THE FOLLOWING:

11 (i) WHETHER 1 OR MORE BALLAST WATER TREATMENT METHODS, WHICH
12 PROTECT THE SAFETY OF THE VESSEL, ITS CREW, AND ITS PASSENGERS,
13 COULD BE USED BY OCEANGOING VESSELS TO PREVENT THE INTRODUCTION
14 OF AQUATIC NUISANCE SPECIES INTO THE GREAT LAKES.

15 (ii) A TIME PERIOD AFTER WHICH 1 OR MORE BALLAST WATER
16 TREATMENT METHODS IDENTIFIED UNDER SUBPARAGRAPH (i) COULD BE USED
17 BY ALL OCEANGOING VESSELS OPERATING ON THE GREAT LAKES.

18 (iii) IF THE DEPARTMENT DETERMINES UNDER SUBPARAGRAPH (i)
19 THAT A BALLAST WATER TREATMENT METHOD IS NOT AVAILABLE, THE
20 ACTIONS NEEDED TO BE TAKEN FOR 1 OR MORE BALLAST WATER TREATMENT
21 METHODS THAT WOULD MEET THE REQUIREMENTS OF SUBPARAGRAPH (i) TO
22 BE DEVELOPED, TESTED, AND MADE AVAILABLE TO VESSEL OWNERS AND
23 OPERATORS AND A TIME PERIOD AFTER WHICH THE BALLAST WATER TREAT-
24 MENT METHOD OR METHODS COULD BE USED BY ALL OCEANGOING VESSELS
25 OPERATING ON THE GREAT LAKES. SUBSEQUENTLY, IF AT ANY TIME THE
26 DEPARTMENT DETERMINES THAT 1 OR MORE BALLAST WATER TREATMENT
27 METHODS THAT MEET THE REQUIREMENTS OF SUBPARAGRAPH (i) COULD BE

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1 USED BY OCEANGOING VESSELS OPERATING ON THE GREAT LAKES, THE
2 DEPARTMENT SHALL DETERMINE A DATE AFTER WHICH THE BALLAST WATER
3 TREATMENT METHOD OR METHODS COULD BE USED BY ALL OCEANGOING VES-
4 SELS OPERATING ON THE GREAT LAKES.

5 (E) SUBMIT TO THE GOVERNOR AND THE STANDING COMMITTEES OF
6 THE LEGISLATURE WITH JURISDICTION PRIMARILY OVER ISSUES PERTAIN-
7 ING TO NATURAL RESOURCES AND THE ENVIRONMENT A LETTER OF DETERMI-
8 NATION THAT OUTLINES THE DETERMINATIONS MADE BY THE DEPARTMENT
9 UNDER THIS SUBSECTION.

10 (3) BY MARCH 1, 2003, THE DEPARTMENT SHALL DO ALL OF THE
11 FOLLOWING:

12 (A) DETERMINE WHETHER ALL OCEANGOING VESSELS THAT ARE OPER-
13 ATING ON THE GREAT LAKES ARE USING A BALLAST WATER TREATMENT
14 METHOD, IDENTIFIED BY THE DEPARTMENT UNDER SUBSECTION (2)(D)(i)
15 OR (iii), TO PREVENT THE INTRODUCTION OF AQUATIC NUISANCE SPECIES
16 INTO THE GREAT LAKES. UPON REQUEST BY THE DEPARTMENT, THE OWNER
17 OR OPERATOR OF AN OCEANGOING VESSEL SHALL PROVIDE, ON A FORM
18 DEVELOPED BY THE DEPARTMENT AND THE SHIPPING FEDERATION OF
19 CANADA, CONFIRMATION OF WHETHER OR NOT THE VESSEL IS USING A BAL-
20 LAST WATER TREATMENT METHOD IDENTIFIED BY THE DEPARTMENT UNDER
21 SUBSECTION (2)(D)(i) OR (iii). IF THE DEPARTMENT DETERMINES THAT
22 ALL OCEANGOING VESSELS THAT ARE OPERATING ON THE GREAT LAKES ARE
23 NOT USING A BALLAST WATER TREATMENT METHOD BY THE DATES IDENTI-
24 FIED IN SUBSECTION (2)(D)(ii) OR (iii), THE DEPARTMENT SHALL
25 DETERMINE WHAT THE REASONS ARE FOR NOT DOING SO.

26 (B) DETERMINE WHETHER THE USE OF A BALLAST WATER TREATMENT
27 METHOD HAS BEEN MADE A CONDITION OF PASSAGE ON THE ST. LAWRENCE

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1 SEAWAY BY THE ST. LAWRENCE SEAWAY MANAGEMENT CORPORATION AND THE
2 SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

3 (C) SUBMIT TO THE GOVERNOR AND THE STANDING COMMITTEES OF
4 THE LEGISLATURE WITH JURISDICTION PRIMARILY OVER ISSUES PERTAIN-
5 ING TO NATURAL RESOURCES AND THE ENVIRONMENT A LETTER OF DETERMI-
6 NATION THAT OUTLINES THE DETERMINATIONS MADE BY THE DEPARTMENT
7 UNDER THIS SUBSECTION.

8 (4) THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

9 (A) BY MARCH 1, 2002, COMPILE AND MAINTAIN A LIST OF ALL
10 OCEANGOING VESSELS AND NONOCEANGOING VESSELS THAT IT DETERMINES
11 HAVE COMPLIED WITH THE BALLAST WATER MANAGEMENT PRACTICES
12 DESCRIBED IN SUBSECTION (2)(A) OR (B), AS APPROPRIATE, DURING THE
13 PREVIOUS 12 MONTHS. THIS LIST SHALL BE CONTINUALLY UPDATED AND
14 MAINTAINED ON THE DEPARTMENT'S WEBSITE.

15 (B) BY MARCH 1, 2003, IF THE DEPARTMENT HAS DETERMINED UNDER
16 SUBSECTION (2)(D)(i), OR IF THE DEPARTMENT SUBSEQUENTLY DETER-
17 MINES UNDER SUBSECTION (2)(D)(iii), THAT 1 OR MORE BALLAST WATER
18 TREATMENT METHODS COULD BE USED BY OCEANGOING VESSELS TO PREVENT
19 THE INTRODUCTION OF AQUATIC NUISANCE SPECIES INTO THE GREAT
20 LAKES, COMPILE AND MAINTAIN A LIST OF ALL OCEANGOING VESSELS
21 THAT, AFTER THE DATE SPECIFIED IN SUBSECTION (2)(D)(ii) OR THE
22 DATE IDENTIFIED BY THE DEPARTMENT UNDER SUBSECTION (2)(D)(iii),
23 AS APPROPRIATE, HAVE BEEN USING 1 OF THESE BALLAST WATER TREAT-
24 MENT METHODS DURING THE PREVIOUS 12 MONTHS.

25 (C) CONTINUALLY UPDATE AND POST THE LISTS PROVIDED FOR IN
26 SUBDIVISIONS (A) AND (B) ON THE DEPARTMENT'S WEBSITE.

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1 (D) ANNUALLY DISTRIBUTE A COPY OF THE LISTS PREPARED UNDER
2 SUBDIVISIONS (A) AND (B) TO PERSONS IN THE STATE WHO HAVE
3 CONTRACTS WITH OCEANGOING OR NONOCEANGOING VESSEL OPERATORS FOR
4 THE TRANSPORTATION OF CARGO.

5 (E) PROVIDE TO THE GOVERNOR AND THE STANDING COMMITTEES OF
6 THE LEGISLATURE WITH JURISDICTION PRIMARILY OVER ISSUES PERTAIN-
7 ING TO NATURAL RESOURCES AND THE ENVIRONMENT COPIES OF THE INI-
8 TIAL LISTS PREPARED UNDER SUBDIVISIONS (A) AND (B) AND THE ANNUAL
9 LIST DISTRIBUTED UNDER SUBDIVISION (D).

10 (5) THE OWNER OR OPERATOR OF AN OCEANGOING VESSEL OR A NON-
11 OCEANGOING VESSEL THAT IS NOT ON AN APPLICABLE LIST PREPARED
12 UNDER SUBSECTION (4) AND ANY PERSONS IN THE STATE WHO HAVE CON-
13 TRACTS FOR THE TRANSPORTATION OF CARGO WITH AN OCEANGOING OR NON-
14 OCEANGOING VESSEL OPERATOR THAT IS NOT ON AN APPLICABLE LIST PRE-
15 PARED UNDER SUBSECTION (4) ARE NOT ELIGIBLE FOR A NEW GRANT,
16 LOAN, OR AWARD ADMINISTERED BY THE DEPARTMENT.