

**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.

25 (C) DETERMINE WHETHER EITHER OR BOTH OF THE BALLAST WATER  
26 MANAGEMENT PRACTICES DESCRIBED IN SUBDIVISIONS (A) AND (B) HAVE  
27 BEEN MADE CONDITIONS OF PASSAGE ON THE ST. LAWRENCE SEAWAY BY THE

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

3 (D) DETERMINE THE FOLLOWING:

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

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

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

25 (E) SUBMIT TO THE GOVERNOR AND THE STANDING COMMITTEES OF  
26 THE LEGISLATURE WITH JURISDICTION PRIMARILY OVER ISSUES  
27 PERTAINING TO NATURAL RESOURCES AND THE ENVIRONMENT A LETTER OF

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1 DETERMINATION THAT OUTLINES THE DETERMINATIONS MADE BY THE  
2 DEPARTMENT UNDER THIS SUBSECTION.

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

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

19 (B) DETERMINE WHETHER THE USE OF A BALLAST WATER TREATMENT  
20 METHOD HAS BEEN MADE A CONDITION OF PASSAGE ON THE ST. LAWRENCE  
21 SEAWAY BY THE ST. LAWRENCE SEAWAY MANAGEMENT CORPORATION AND THE  
22 SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

23 (C) SUBMIT TO THE GOVERNOR AND THE STANDING COMMITTEES OF  
24 THE LEGISLATURE WITH JURISDICTION PRIMARILY OVER ISSUES PERTAIN-  
25 ING TO NATURAL RESOURCES AND THE ENVIRONMENT A LETTER OF DETERMI-  
26 NATION THAT OUTLINES THE DETERMINATIONS MADE BY THE DEPARTMENT  
27 UNDER THIS SUBSECTION.

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

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

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

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

21 (D) ANNUALLY DISTRIBUTE A COPY OF THE LISTS PREPARED UNDER  
22 SUBDIVISIONS (A) AND (B) TO PERSONS IN THE STATE WHO USE OCEANGO-  
23 ING VESSELS OR NONOCEANGOING VESSELS FOR SHIPPING.

24 (E) PROVIDE TO THE GOVERNOR AND THE STANDING COMMITTEES OF  
25 THE LEGISLATURE WITH JURISDICTION PRIMARILY OVER ISSUES PERTAIN-  
26 ING TO NATURAL RESOURCES AND THE ENVIRONMENT COPIES OF THE INI-  
27 TIAL LISTS PREPARED UNDER SUBDIVISIONS (A) AND (B) AND THE ANNUAL  
28 LIST DISTRIBUTED UNDER SUBDIVISION (D).

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1 (5) THE OWNER OR OPERATOR OF AN OCEANGOING VESSEL OR A  
2 NONOCEANGOING VESSEL THAT IS NOT ON AN APPLICABLE LIST PREPARED  
3 UNDER SUBSECTION (4) AND ANY PERSON WHO USES AN OCEANGOING VESSEL OR  
4 A NONOCEANGOING VESSEL FOR SHIPPING THAT IS NOT ON AN APPLICABLE  
5 LIST PREPARED UNDER SUBSECTION (4) ARE NOT ELIGIBLE FOR A GRANT,  
LOAN, OR AWARD ADMINISTERED BY THE DEPARTMENT.