

HOUSE BILL No. 6438

September 24, 2002, Introduced by Rep. Mans and referred to the Committee on Land Use and Environment.

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 3113c.

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.

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 comprehen-
11 sive index of consumer prices available for the Detroit area from
12 the United States department of labor, bureau of labor
13 statistics.

14 (F) "FUND" MEANS THE WATER QUALITY FUND CREATED IN SECTION
15 3113C.

16 (G) ~~(f)~~ "Great Lakes" means the Great Lakes and their con-
17 necting waters, including lake St. Clair.

18 (H) ~~(g)~~ "Local unit" means a county, city, village, or
19 township or an agency or instrumentality of any of these
20 entities.

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)~~ "Nonoceangoing vessel" means a vessel that is not
25 an oceangoing vessel.

26 (K) ~~(j)~~ "Oceangoing vessel" means a vessel that operates
27 on the Great Lakes or the St. Lawrence waterway after operating

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

3 (I) ~~(k)~~ "Sediments" means any matter settled out of bal-
4 last water within a vessel.

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

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

11 (O) ~~(n)~~ "Sewage sludge generator" means a person who gen-
12 erates sewage sludge that is applied to land.

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

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

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

22 SEC. 3113C. (1) THE WATER QUALITY FUND IS CREATED WITHIN
23 THE STATE TREASURY.

24 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
25 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER
26 SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER

1 SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
2 INVESTMENTS.

3 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
4 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

5 (4) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
6 APPROPRIATION, ONLY FOR THE FOLLOWING:

7 (A) ADMINISTRATION OF THE WASTEWATER DISCHARGE PERMIT PRO-
8 GRAM UNDER THIS PART.

9 (B) ENFORCEMENT OF WASTEWATER DISCHARGE PERMITS UNDER THIS
10 PART.

11 (C) WATER QUALITY MONITORING.

12 (D) IF MONEY IN THE FUND IS AVAILABLE AFTER EXPENDITURE OF
13 MONEY UNDER SUBDIVISIONS (A), (B), AND (C), FOR THE CLEANUP OF
14 CONTAMINATED SEDIMENTS IN THE WATERS OF THE STATE.

15 Enacting section 1. This amendatory act does not take
16 effect unless all of the following bills of the 91st Legislature
17 are enacted into law:

18 (a) Senate Bill No. _____ or House Bill No. 6441 (request
19 no. 07372'02).

20 (b) Senate Bill No. _____ or House Bill No. 6440 (request
21 no. 07373'02).

22 (c) Senate Bill No. _____ or House Bill No. 6439 (request
23 no. 07374'02).