

SENATE BILL No. 152

February 7, 2001, Introduced by Senators SIKKEMA, JOHNSON, STILLE, BENNETT, EMMONS, GAST, HAMMERSTROM, GOUGEON, SCHUETTE, NORTH, STEIL, VAN REGENMORTER, SHUGARS, MC MANUS and BULLARD 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 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.

1 (C) ~~(a)~~ "Department" means the department of environmental
2 quality.

3 (D) ~~(b)~~ "Detroit consumer price index" means the most com-
4 prehensive index of consumer prices available for the Detroit
5 area from the United States department of labor, bureau of labor
6 statistics.

7 (E) "GREAT LAKES" MEANS THE GREAT LAKES AND THEIR CONNECTING
8 WATERS INCLUDING LAKE ST. CLAIR.

9 (F) ~~(c)~~ "Local unit" means a county, city, village, or
10 township or an agency or instrumentality of any of these
11 entities.

12 (G) ~~(d)~~ "Municipality" means this state, a county, city,
13 village, or township, or an agency or instrumentality of any of
14 these entities.

15 (H) "NONOCEANGOING VESSEL" MEANS A VESSEL THAT IS NOT AN
16 OCEANGOING VESSEL.

17 (I) "OCEANGOING VESSEL" MEANS A VESSEL THAT OPERATES ON THE
18 GREAT LAKES OR THE ST. LAWRENCE WATERWAY AFTER OPERATING IN
19 WATERS OUTSIDE OF THE GREAT LAKES OR THE ST. LAWRENCE WATERWAY.

20 (J) "SEDIMENTS" MEANS ANY MATTER SETTLED OUT OF BALLAST
21 WATER WITHIN A VESSEL.

22 (K) ~~(e)~~ "Sewage sludge" means sewage sludge generated in
23 the treatment of domestic sewage, other than only septage or
24 industrial waste.

25 (L) ~~(f)~~ "Sewage sludge derivative" means a product for
26 land application derived from sewage sludge that does not include
27 solid waste or other waste regulated under this act.

1 (M) ~~(g)~~ "Sewage sludge generator" means a person who
2 generates sewage sludge that is applied to land.

3 (N) ~~(h)~~ "Sewage sludge distributor" means a person who
4 applies, markets, or distributes, except at retail, a sewage
5 sludge derivative.

6 (O) "ST. LAWRENCE WATERWAY" MEANS THE ST. LAWRENCE RIVER,
7 THE ST. LAWRENCE SEAWAY, AND THE GULF OF ST. LAWRENCE.

8 (P) "STERILIZATION" MEANS THE TREATMENT OF BALLAST WATER OR
9 SEDIMENTS, OR BOTH, TO REMOVE OR DESTROY LIVING BIOLOGICAL ORGAN-
10 ISMS THROUGH 1 OR MORE OF THE FOLLOWING:

11 (i) FILTRATION.

12 (ii) THE APPLICATION OF BIOCIDES OR ULTRAVIOLET LIGHT.

13 (iii) THERMAL METHODS.

14 (iv) OTHER TREATMENT TECHNIQUES APPROVED BY THE DEPARTMENT.

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

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

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

24 (B) THAT, TO ACHIEVE THE GOAL STATED IN SUBDIVISION (A),
25 THIS STATE SHOULD COOPERATE WITH THE UNITED STATES AND CANADIAN
26 AUTHORITIES, OTHER STATES AND PROVINCES, AND THE MARITIME
27 INDUSTRY.

1 (2) BY JULY 1, 2001, THE DEPARTMENT SHALL DO ALL OF THE
2 FOLLOWING:

3 (A) DETERMINE WHETHER THE BALLAST WATER MANAGEMENT PRACTICES
4 THAT WERE PROPOSED BY THE SHIPPING FEDERATION OF CANADA TO THE
5 DEPARTMENT ON JUNE 7, 2000 ARE BEING COMPLIED WITH BY ALL OCEAN-
6 GOING VESSELS OPERATING ON THE GREAT LAKES AND THE ST. LAWRENCE
7 WATERWAY.

8 (B) DETERMINE WHETHER THE BALLAST WATER MANAGEMENT PRACTICES
9 THAT WERE PROPOSED JOINTLY BY THE LAKE CARRIERS' ASSOCIATION AND
10 THE CANADIAN SHIPOWNERS' ASSOCIATION TO THE DEPARTMENT ON JUNE 7,
11 2000 ARE BEING COMPLIED WITH BY ALL NONOCEANGOING VESSELS OPERAT-
12 ING ON THE GREAT LAKES AND THE ST. LAWRENCE WATERWAY.

13 (C) DETERMINE WHETHER EITHER OR BOTH OF THE BALLAST WATER
14 MANAGEMENT PRACTICES DESCRIBED IN SUBDIVISIONS (A) AND (B) HAVE
15 BEEN MADE CONDITIONS OF PASSAGE ON THE ST. LAWRENCE WATERWAY BY
16 THE ST. LAWRENCE SEAWAY MANAGEMENT CORPORATION AND THE SAINT
17 LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

18 (D) OFFER SUGGESTIONS TO THE MARITIME INDUSTRY ON TESTS OF
19 SHORT-TERM AND LONG-TERM SOLUTIONS THAT COULD BE CONDUCTED TO
20 IDENTIFY TREATMENT TECHNOLOGIES FOR BALLAST WATER AND SEDIMENTS
21 THAT WOULD PREVENT THE INTRODUCTION OF AQUATIC NUISANCE SPECIES
22 INTO THE GREAT LAKES.

23 (E) DETERMINE WHETHER THE MARITIME INDUSTRY HAS TESTED A
24 TREATMENT TECHNOLOGY DURING THE SPRING OF 2001 FOR THE TREATMENT
25 OF BALLAST WATER AND SEDIMENTS THAT COULD BE IMPLEMENTED WITHIN
26 12 MONTHS THAT WOULD PREVENT THE INTRODUCTION OF AQUATIC NUISANCE
27 SPECIES INTO THE GREAT LAKES.

1 (F) CONVENE A WORK GROUP MADE UP OF REPRESENTATIVES OF
2 OWNERS OR OPERATORS OF OCEANGOING VESSELS, OWNERS OR OPERATORS OF
3 NONOCEANGOING VESSELS, OTHER INTERESTED PERSONS FROM THE MARITIME
4 INDUSTRY, ENVIRONMENTAL ORGANIZATIONS, AND THE GENERAL PUBLIC TO
5 REVIEW AVAILABLE TECHNOLOGIES AND THE RESULTS OF TESTS OF THOSE
6 TECHNOLOGIES AND MAKE RECOMMENDATIONS TO THE DEPARTMENT ON THE
7 TECHNOLOGIES AVAILABLE TO TREAT BALLAST WATER AND SEDIMENTS.

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

13 (3) IF THE DEPARTMENT DETERMINES THAT THE BALLAST WATER MAN-
14 AGEMENT PRACTICES DESCRIBED IN SUBSECTION (2)(A) OR (B) ARE NOT
15 BEING COMPLIED WITH, THE DEPARTMENT SHALL PROMULGATE RULES ESTAB-
16 LISHING BALLAST WATER MANAGEMENT PRACTICES FOR VESSELS OPERATING
17 ON GREAT LAKES WATERS WITHIN THE JURISDICTION OF THIS STATE THAT
18 ARE SUBSTANTIALLY SIMILAR TO THE BALLAST WATER MANAGEMENT PRAC-
19 TICES DESCRIBED IN SUBSECTION (2)(A) OR (B), RESPECTIVELY. THESE
20 RULES SHALL TAKE EFFECT APRIL 1, 2002.

21 (4) BY JULY 1, 2002, THE DEPARTMENT SHALL DO ALL OF THE
22 FOLLOWING:

23 (A) DETERMINE WHETHER ALL OCEANGOING VESSELS THAT ARE OPER-
24 ATING ON THE GREAT LAKES ARE TREATING BALLAST WATER AND SEDIMENTS
25 TO PREVENT THE INTRODUCTION OF AQUATIC NUISANCE SPECIES IN THE
26 GREAT LAKES.

1 (B) DETERMINE WHETHER THE TREATMENT OF BALLAST WATER AND
2 SEDIMENTS DESCRIBED IN SUBDIVISION (A) HAS BEEN MADE A CONDITION
3 OF PASSAGE ON THE ST. LAWRENCE WATERWAY BY THE ST. LAWRENCE
4 SEAWAY MANAGEMENT CORPORATION AND THE SAINT LAWRENCE SEAWAY
5 DEVELOPMENT CORPORATION.

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

11 (5) IF THE DEPARTMENT DETERMINES THAT OCEANGOING VESSELS ARE
12 NOT TREATING BALLAST WATER AS DESCRIBED IN SUBSECTION (4)(A), THE
13 DEPARTMENT SHALL PROMULGATE RULES THAT REQUIRE THE OPERATORS OF
14 OCEANGOING VESSELS OPERATING ON THE GREAT LAKES WITHIN THE JURIS-
15 DICTION OF THIS STATE TO DO ALL OF THE FOLLOWING:

16 (A) ENSURE, UTILIZING BEST AVAILABLE TECHNOLOGY AND PRAC-
17 TICES, THAT BALLAST WATER OR SEDIMENTS, OR BOTH, LIKELY TO CON-
18 TAIN AQUATIC NUISANCE SPECIES ARE NOT DIRECTLY OR INDIRECTLY DIS-
19 CHARGED INTO THE GREAT LAKES WITHIN THE JURISDICTION OF THIS
20 STATE.

21 (B) USE ENVIRONMENTALLY SOUND TREATMENT METHODS FOR BALLAST
22 WATER AND SEDIMENTS, SUCH AS STERILIZATION, IN PREVENTING THE
23 INTRODUCTION AND SPREAD OF AQUATIC NUISANCE SPECIES. THE TREAT-
24 MENT METHODS SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:

25 (i) BE SAFE FOR THE ENVIRONMENT.

26 (ii) BE SAFE FOR HANDLING BY THE VESSEL'S CREW.

1 (iii) NOT POSE A RISK TO THE VESSEL OR THE COATINGS ON ITS
2 BALLAST TANKS.

3 (iv) COMPLY WITH ALL LAWS AND REGULATIONS APPLICABLE TO THE
4 GREAT LAKES.

5 (c) PROVIDE DOCUMENTATION TO THE DEPARTMENT PRIOR TO ENTER-
6 ING THE GREAT LAKES WITHIN THE JURISDICTION OF THIS STATE THAT
7 THE OPERATORS ARE IN COMPLIANCE WITH THE RULES PROMULGATED UNDER
8 THIS SUBSECTION.