

SENATE BILL No. 955

February 1, 2000, Introduced by Senators SIKKEMA, YOUNG, GOSCHKA, HAMMERSTROM, STILLE, NORTH, GOUGEON, VAN REGENMORTER, GAST, BENNETT, ROGERS, DUNASKISS, STEIL, MC COTTER, EMMONS, BULLARD, SCHWARZ, SHUGARS, SCHUETTE, JOHNSON, PETERS and DE BEAUSSAERT 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 sections 3101 and 3109 (MCL 324.3101 and 324.3109),
section 3101 as amended by 1997 PA 29, and by adding sections
3109c and 3109d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3101. As used in this part:

2 (A) "BALLAST WATER" MEANS WATER AND ASSOCIATED SOLIDS TAKEN
3 ON BOARD A VESSEL TO CONTROL OR MAINTAIN TRIM, DRAFT, STABILITY,
4 OR STRESSES ON THE VESSEL, WITHOUT REGARD TO THE MANNER IN WHICH
5 IT IS CARRIED.

6 (B) ~~—(a)—~~ "Department" means the department of environmental
7 quality.

8 (C) ~~—(b)—~~ "Detroit consumer price index" means the most
9 comprehensive index of consumer prices available for the Detroit

1 area from the United States department of labor, bureau of labor
2 statistics.

3 (D) ~~(c)~~ "Local unit" means a county, city, village, or
4 township or an agency or instrumentality of any of these
5 entities.

6 (E) ~~(d)~~ "Municipality" means this state, a county, city,
7 village, or township, or an agency or instrumentality of any of
8 these entities.

9 (F) "SEDIMENTS" MEANS ANY MATTER SETTLED OUT OF BALLAST
10 WATER WITHIN A VESSEL.

11 (G) ~~(e)~~ "Sewage sludge" means sewage sludge generated in
12 the treatment of domestic sewage, other than only septage or
13 industrial waste.

14 (H) ~~(f)~~ "Sewage sludge derivative" means a product for
15 land application derived from sewage sludge that does not include
16 solid waste or other waste regulated under this act.

17 (I) ~~(g)~~ "Sewage sludge generator" means a person who gen-
18 erates sewage sludge that is applied to land.

19 (J) ~~(h)~~ "Sewage sludge distributor" means a person who
20 applies, markets, or distributes, except at retail, a sewage
21 sludge derivative.

22 (K) "STERILIZED" MEANS THE TREATMENT OF BALLAST WATER OR
23 SEDIMENTS, OR BOTH, BY FILTRATION, THERMAL METHODS, ULTRAVIOLET
24 LIGHT, BIOCIDES, OR OTHER TECHNIQUE APPROVED BY THE DEPARTMENT,
25 TO DESTROY OR REMOVE ALL LIVING BIOLOGICAL ORGANISMS.

26 (L) ~~(i)~~ "Waters of the state" means groundwaters, lakes,
27 rivers, and streams and all other watercourses and waters within

1 the jurisdiction of this state and also the Great Lakes bordering
2 this state.

3 Sec. 3109. (1) A person shall not directly or indirectly
4 discharge into the waters of the state a substance that is or may
5 become injurious to any of the following:

6 (a) To the public health, safety, or welfare.

7 (b) To domestic, commercial, industrial, agricultural, rec-
8 reational, or other uses that are being made or may be made of
9 such waters.

10 (c) To the value or utility of riparian lands.

11 (d) To livestock, wild animals, birds, fish, aquatic life,
12 or plants, or to the growth ~~—, OR propagation —, or the growth~~
13 ~~or propagation thereof be prevented or injuriously affected; or~~
14 ~~whereby~~ OF ANY OF THESE.

15 (E) TO the value of fish and game. ~~is or may be destroyed~~
16 ~~or impaired.~~

17 (2) UNLESS AUTHORIZED BY A PERMIT ISSUED UNDER SECTION
18 3109C, THE DISCHARGE OF BALLAST WATER OR SEDIMENTS, OR BOTH,
19 DIRECTLY OR INDIRECTLY, INTO ANY OF THE WATERS OF THE STATE SHALL
20 BE CONSIDERED PRIMA FACIE EVIDENCE OF A VIOLATION OF THIS PART
21 AND SUBJECTS THE RESPONSIBLE PERSON TO THE PENALTIES AND REMEDIES
22 PROVIDED IN SECTION 3115.

23 (3) ~~—(2)—~~ The discharge of any raw sewage of human origin,
24 directly or indirectly, into any of the waters of the state shall
25 be considered prima facie evidence of a violation of this part by
26 the municipality in which the discharge originated unless the
27 discharge is permitted by A PERMIT OR an order or rule of the

1 department. If the discharge is not the subject of a valid
2 permit issued by the department, a municipality responsible for
3 the discharge may be subject to the PENALTIES AND remedies pro-
4 vided in section 3115. If the discharge is the subject of a
5 valid permit issued by the department pursuant to section 3112,
6 and is in violation of that permit, a municipality responsible
7 for the discharge is subject to the penalties ~~prescribed~~ AND
8 REMEDIES PROVIDED in section 3115.

9 (4) ~~(3)~~ Unless authorized by a permit, order, or rule of
10 the department, the discharge into the waters of this state of
11 any medical waste, as defined in part 138 of the public health
12 code, ~~Act No. 368 of the Public Acts of 1978, being sections~~
13 ~~333.13801 to 333.13831 of the Michigan Compiled Laws~~ 1978 PA
14 368, MCL 333.13801 TO 333.13831, is prima facie evidence of a
15 violation of this part and subjects the responsible person to the
16 penalties ~~prescribed~~ AND REMEDIES PROVIDED in section 3115.

17 (5) ~~(4)~~ A violation of this section is prima facie evi-
18 dence of the existence of a public nuisance and in addition to
19 the PENALTIES AND remedies provided for in this part may be
20 abated according to law in an action brought by the attorney gen-
21 eral in a court of competent jurisdiction.

22 SEC. 3109C. (1) A PERSON SHALL NOT OPERATE A VESSEL ON THE
23 WATERS OF THE STATE THAT CONTAINS BALLAST WATER THAT WAS ACQUIRED
24 OUTSIDE OF THE WATERS OF THE STATE UNLESS THE BALLAST WATER AND
25 ANY SEDIMENTS HAVE BEEN STERILIZED AS REQUIRED BY THE
26 DEPARTMENT.

1 (2) A PERSON SHALL NOT DISCHARGE BALLAST WATER OR SEDIMENTS,
2 OR BOTH, DIRECTLY OR INDIRECTLY, INTO THE WATERS OF THE STATE
3 UNLESS THE DISCHARGE IS AUTHORIZED BY A PERMIT ISSUED BY THE
4 DEPARTMENT.

5 (3) AN APPLICATION FOR A PERMIT UNDER THIS SECTION SHALL BE
6 SUBMITTED IN THE MANNER REQUIRED BY THE DEPARTMENT AND SHALL CON-
7 TAIN THE INFORMATION REQUIRED BY THE DEPARTMENT AND AN APPLICA-
8 TION FEE AS PROVIDED IN THIS SECTION.

9 (4) THE DEPARTMENT SHALL ESTABLISH A BALLAST WATER AND SEDI-
10 MENTS INSPECTION PROGRAM THAT ASSURES THAT AQUATIC NUISANCE SPE-
11 CIES DO NOT ENTER THE WATERS OF THE STATE THROUGH THE DIRECT OR
12 INDIRECT DISCHARGE OF BALLAST WATER OR SEDIMENTS, OR BOTH.

13 (5) THE DEPARTMENT SHALL ASSESS APPLICATION FEES AND INSPEC-
14 TION FEES IN AMOUNTS NECESSARY TO IMPLEMENT THIS SECTION. ALL
15 APPLICATION AND INSPECTION FEES RECEIVED BY THE DEPARTMENT UNDER
16 THIS SECTION SHALL BE FORWARDED TO THE STATE TREASURER FOR
17 DEPOSIT INTO THE AQUATIC NUISANCE SPECIES PREVENTION FUND CREATED
18 IN SECTION 3109D.

19 SEC. 3109D. (1) THE AQUATIC NUISANCE SPECIES PREVENTION
20 FUND IS CREATED WITHIN THE STATE TREASURY.

21 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
22 FROM ANY SOURCE FOR DEPOSIT INTO THE AQUATIC NUISANCE SPECIES
23 PREVENTION FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT
24 OF THE AQUATIC NUISANCE SPECIES PREVENTION FUND. THE STATE TREA-
25 SURER SHALL CREDIT TO THE AQUATIC NUISANCE SPECIES PREVENTION
26 FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

1 (3) MONEY IN THE AQUATIC NUISANCE SPECIES PREVENTION FUND AT
2 THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL
3 NOT LAPSE TO THE GENERAL FUND.

4 (4) THE DEPARTMENT SHALL EXPEND MONEY FROM THE AQUATIC NUI-
5 SANCE SPECIES PREVENTION FUND, UPON APPROPRIATION, ONLY TO IMPL-
6 MENT SECTION 3109C.