

# HOUSE BILL No. 6079

July 14, 2004, Introduced by Reps. Law, Farrah, Bieda, Lipsey, Byrum, Kolb, Tobocman, Anderson, Minore, Jamnick, Gielegem, Zelenko, Waters, Sak, O'Neil, Vagnozzi, Adamini, Condino, Meisner, Hopgood, Wojno and Cheeks and referred to the Committee on Great Lakes and Tourism.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2004 PA 90, and by adding section 3109c.

**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,  
5 agricultural, aquacultural, or recreational activities dependent  
6 on 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  
11 comprehensive 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) "Group 1 facility" means a facility whose discharge is  
17 described by R 323.2218 of the Michigan administrative code.

18 (h) "Group 2 facility" means a facility whose discharge is  
19 described by R 323.2210(y), 323.2215, or 323.2216 of the Michigan  
20 administrative code.

21 (i) "Group 3 facility" means a facility whose discharge is  
22 described by R 323.2211 or 323.2213 of the Michigan  
23 administrative code.

24 (j) "Local unit" means a county, city, village, or township  
25 or an agency or instrumentality of any of these entities.

26 (k) "Municipality" means this state, a county, city, village,  
27 or township, or an agency or instrumentality of any of these

1 entities.

2       (l) "Nonocean-going vessel" means a vessel that is not an  
3 ocean-going vessel.

4       (m) "Ocean-going vessel" means a vessel that operates on the  
5 Great Lakes or the St. Lawrence waterway after operating in  
6 waters outside of the Great Lakes or the St. Lawrence waterway.

7       (n) **"Open water disposal of contaminated dredge materials"**  
8 **means the placement of dredge materials contaminated with toxic**  
9 **substances as defined in R 323.1205 of the Michigan**  
10 **administrative code into the open waters of the Great Lakes but**  
11 **does not include the siting or use of a confined disposal**  
12 **facility designated by the United States army corps of engineers**  
13 **or beach nourishment activities utilizing uncontaminated**  
14 **materials.**

15       (o) ~~(n)~~ "Sediments" means any matter settled out of ballast  
16 water within a vessel.

17       (p) ~~(o)~~ "Sewage sludge" means sewage sludge generated in  
18 the treatment of domestic sewage, other than only septage or  
19 industrial waste.

20       (q) ~~(p)~~ "Sewage sludge derivative" means a product for land  
21 application derived from sewage sludge that does not include  
22 solid waste or other waste regulated under this act.

23       (r) ~~(q)~~ "Sewage sludge generator" means a person who  
24 generates sewage sludge that is applied to land.

25       (s) ~~(r)~~ "Sewage sludge distributor" means a person who  
26 applies, markets, or distributes, except at retail, a sewage  
27 sludge derivative.

1           **(t)** ~~-(s)-~~ "St. Lawrence waterway" means the St. Lawrence  
2 river, the St. Lawrence seaway, and the gulf of St. Lawrence.

3           **(u)** ~~-(t)-~~ "Waters of the state" means groundwaters, lakes,  
4 rivers, and streams and all other watercourses and waters,  
5 including the Great Lakes, within the jurisdiction of this  
6 state.

7           **Sec. 3109c. Notwithstanding any other provision of this**  
8 **part or the rules promulgated under this part, the open water**  
9 **disposal of contaminated dredge materials is prohibited.**