

# HOUSE BILL No. 4805

May 17, 2005, Introduced by Reps. Kathleen Law, Hopgood, Phillips, Anderson, Stewart, Nofs, Meyer and Lipsey and referred to the Committee on Natural Resources, Great Lakes, 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 2004 PA 142, 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 the  
4 ecological stability of infested waters, or commercial,  
5 agricultural, aquacultural, or recreational activities dependent on  
6 such waters.

7           (b) "Ballast water" means water and associated solids taken on  
8 board a vessel to control or maintain trim, draft, stability, or

1 stresses on the vessel, without regard to the manner in which it is  
2 carried.

3 (c) "Ballast water treatment method" means a method of  
4 treating ballast water and sediments to remove or destroy living  
5 biological organisms through 1 or more of the following:

6 (i) Filtration.

7 (ii) The application of biocides or ultraviolet light.

8 (iii) Thermal methods.

9 (iv) Other treatment techniques approved by the department.

10 (d) "Department" means the department of environmental  
11 quality.

12 (e) "Detroit consumer price index" means the most  
13 comprehensive index of consumer prices available for the Detroit  
14 area from the United States department of labor, bureau of labor  
15 statistics.

16 (f) "Emergency management coordinator" means that term as  
17 defined in section 2 of the emergency management act, 1976 PA 390,  
18 MCL 30.402.

19 (g) "Great Lakes" means the Great Lakes and their connecting  
20 waters, including Lake St. Clair.

21 (h) "Group 1 facility" means a facility whose discharge is  
22 described by R 323.2218 of the Michigan administrative code.

23 (i) "Group 2 facility" means a facility whose discharge is  
24 described by R 323.2210(y), R 323.2215, or R 323.2216 of the  
25 Michigan administrative code.

26 (j) "Group 3 facility" means a facility whose discharge is  
27 described by R 323.2211 or R 323.2213 of the Michigan

1 administrative code.

2 (k) "Local health department" means that term as defined in  
3 section 1105 of the public health code, 1978 PA 368, MCL 333.1105.

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

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

9 (n) "National response center" means the national  
10 communications center established under the clean water act, 33 USC  
11 1251 to 1387, located in Washington, DC, that receives and relays  
12 notice of oil discharge or releases of hazardous substances to  
13 appropriate federal officials.

14 (o) "Nonocean-going vessel" means a vessel that is not an  
15 ocean-going vessel.

16 (p) "Ocean-going vessel" means a vessel that operates on the  
17 Great Lakes or the St. Lawrence waterway after operating in waters  
18 outside of the Great Lakes or the St. Lawrence waterway.

19 **(Q) "OPEN WATER DISPOSAL OF CONTAMINATED DREDGE MATERIALS"**  
20 **MEANS THE PLACEMENT OF DREDGE MATERIALS CONTAMINATED WITH TOXIC**  
21 **SUBSTANCES AS DEFINED IN R 323.1205 OF THE MICHIGAN ADMINISTRATIVE**  
22 **CODE INTO THE OPEN WATERS OF THE GREAT LAKES BUT DOES NOT INCLUDE**  
23 **THE SITING OR USE OF A CONFINED DISPOSAL FACILITY DESIGNATED BY THE**  
24 **UNITED STATES ARMY CORPS OF ENGINEERS OR BEACH NOURISHMENT**  
25 **ACTIVITIES UTILIZING UNCONTAMINATED MATERIALS.**

26 (R) ~~(g)~~ "Primary public safety answering point" means that  
27 term as defined in section 102 of the emergency telephone service

1 enabling act, 1986 PA 32, MCL 484.1102.

2 (S) ~~-(r)-~~ "Sediments" means any matter settled out of ballast  
3 water within a vessel.

4 (T) ~~-(s)-~~ "Sewage sludge" means sewage sludge generated in  
5 the treatment of domestic sewage, other than only septage or  
6 industrial waste.

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

10 (V) ~~-(u)-~~ "Sewage sludge generator" means a person who  
11 generates sewage sludge that is applied to land.

12 (W) ~~-(v)-~~ "Sewage sludge distributor" means a person who  
13 applies, markets, or distributes, except at retail, a sewage sludge  
14 derivative.

15 (X) ~~-(w)-~~ "St. Lawrence waterway" means the St. Lawrence  
16 river, the St. Lawrence seaway, and the gulf of St. Lawrence.

17 (Y) ~~-(x)-~~ "Threshold reporting quantity" means that term as  
18 defined in R 324.2002 of the Michigan administrative code.

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

22 **SEC. 3109C. NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART**  
23 **OR THE RULES PROMULGATED UNDER THIS PART, THE OPEN WATER DISPOSAL**  
24 **OF CONTAMINATED DREDGE MATERIALS IS PROHIBITED.**