

SUBSTITUTE FOR
SENATE BILL NO. 508

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding sections 41401 and 41411.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 41401. AS USED IN THIS PART:

2 (A) "AQUATIC INVASIVE SPECIES" OR "AIS" MEANS AN AQUATIC
3 SPECIES THAT IS NONNATIVE TO THE ECOSYSTEM UNDER CONSIDERATION AND
4 WHOSE INTRODUCTION CAUSES OR IS LIKELY TO CAUSE ECONOMIC OR
5 ENVIRONMENTAL HARM OR HARM TO HUMAN HEALTH.

6 (B) "COUNCIL" MEANS THE AQUATIC INVASIVE SPECIES ADVISORY
7 COUNCIL CREATED IN SECTION 41405.

8 (C) "DRAFT NEXT VESSEL GENERAL PERMIT" MEANS THE DRAFT PERMIT
9 THAT THE EPA PREPARES AND PUBLISHES NOTICE OF IN ACCORDANCE WITH 40
10 CFR 124.6 AND OTHER APPLICABLE REGULATIONS BEFORE ISSUING THE NEXT

1 VESSEL GENERAL PERMIT.

2 (D) "EPA" MEANS UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

3 (E) "GREAT LAKES COMMISSION" MEANS THE GREAT LAKES COMMISSION
4 CREATED BY THE GREAT LAKES BASIN COMPACT ESTABLISHED BY JOINT
5 LEGISLATIVE ACTION OF THE GREAT LAKES STATES IN 1955 AND GRANTED
6 CONGRESSIONAL CONSENT THROUGH PUBLIC LAW 90-419.

7 (F) "GREAT LAKES STATES" MEANS MICHIGAN, ILLINOIS, INDIANA,
8 MINNESOTA, NEW YORK, OHIO, PENNSYLVANIA, AND WISCONSIN.

9 (G) "NEXT VESSEL GENERAL PERMIT" MEANS THE PERMIT THE EPA
10 ISSUED TO SUPERSEDE THE VESSEL GENERAL PERMIT.

11 (H) "VESSEL GENERAL PERMIT" MEANS THE GENERAL PERMIT ENTITLED
12 "FINAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
13 GENERAL PERMIT FOR DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF
14 A VESSEL" ANNOUNCED AT 73 FR 79,473 (DECEMBER 29, 2008).

15 SEC. 41411. THE COUNCIL SHALL DEVELOP RECOMMENDATIONS
16 REGARDING THIS STATE'S COMMENTS ON THE DRAFT NEXT VESSEL GENERAL
17 PERMIT AND CERTIFICATION RESPONSE TO THE DRAFT NEXT VESSEL GENERAL
18 PERMIT UNDER SECTION 401 OF TITLE IV OF THE FEDERAL WATER POLLUTION
19 CONTROL ACT, 33 USC 1341, INCLUDING A PROPOSED BALLAST WATER
20 TREATMENT STANDARD. THE COUNCIL SHALL PROVIDE ITS RECOMMENDATIONS
21 TO THE GOVERNOR UPON REQUEST. SUCH RECOMMENDATIONS ARE NONBINDING
22 AND ADVISORY IN NATURE AND MAY BE USED AT THE DISCRETION OF AND IN
23 THE MANNER DETERMINED BY THE GOVERNOR. THE COUNCIL'S
24 RECOMMENDATIONS UNDER THIS SECTION SHALL BE SUITABLE FOR USE BY THE
25 EXECUTIVE BRANCH IN COLLABORATING WITH OTHER GREAT LAKES STATES TO
26 ACHIEVE A CONSISTENT POSITION ON THE DRAFT NEXT VESSEL GENERAL
27 PERMIT. IN DEVELOPING ITS RECOMMENDATIONS, THE COUNCIL SHALL

1 REGULARLY CONSULT WITH THE GREAT LAKES COMMISSION AND THE
2 DEPARTMENT OF ENVIRONMENTAL QUALITY, INCLUDING THE OFFICE OF THE
3 GREAT LAKES.

4 Enacting section 1. This amendatory act does not take effect
5 unless all of the following bills of the 96th Legislature are
6 enacted into law:

7 (a) Senate Bill No. 509.

8 (b) Senate Bill No. 510.