

# SENATE BILL No. 292

March 30, 2017, Introduced by Senator JONES and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding section 32517.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 32517. (1) NOTWITHSTANDING SECTION 2129, THE DEPARTMENT  
2 SHALL NOT GRANT AN EASEMENT OVER, THROUGH, UNDER, OR UPON  
3 BOTTOMLANDS OF THE GREAT LAKES FOR A PIPELINE TO TRANSPORT CRUDE  
4 OIL OR LIQUID PETROLEUM PRODUCTS.

5           (2) THE OWNER OF ANY PIPELINE AUTHORIZED TO TRANSPORT CRUDE  
6 OIL OR LIQUID PETROLEUM PRODUCTS AND FOR WHICH AN EASEMENT OVER,  
7 THROUGH, UNDER, OR UPON BOTTOMLANDS OF THE GREAT LAKES WAS GRANTED  
8 BY THIS STATE BEFORE THE EFFECTIVE DATE OF THIS SECTION SHALL DO  
9 BOTH OF THE FOLLOWING:

10           (A) BY 90 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION,  
11 PROVIDE THE GOVERNOR AND THE LEGISLATURE WITH A PRELIMINARY

1 ANALYSIS OF RISKS FROM A SPILL FROM THE PIPELINE INTO THE GREAT  
2 LAKES.

3 (B) BY 120 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION,  
4 PROVIDE THE GOVERNOR AND THE LEGISLATURE WITH 1 OF THE FOLLOWING:

5 (i) A FULL ANALYSIS OF RISKS FROM A WORST-CASE SPILL FROM THE  
6 PIPELINE INTO THE GREAT LAKES.

7 (ii) AN ANALYSIS OF RISKS THAT MEETS THE CONTENT REQUIREMENTS  
8 OF AN ENVIRONMENTAL IMPACT STATEMENT AS DESCRIBED IN 40 CFR PART  
9 1502, INCLUDING ALTERNATIVES TO THE PIPELINE.

10 (3) AN ANALYSIS UNDER SUBSECTION (2) SHALL BE IN WRITING AND  
11 CONDUCTED BY A QUALIFIED INDEPENDENT THIRD PARTY.

12 (4) IF THE DEPARTMENT DETERMINES, BASED ON THE PRELIMINARY  
13 ANALYSIS UNDER SUBSECTION (2) (A), THAT THE PUBLIC TRUST IN THE  
14 WATERS OF THE GREAT LAKES IS AT RISK OF BEING IMPAIRED OR  
15 SUBSTANTIALLY ADVERSELY AFFECTED, THE OPERATOR OF THE PIPELINE  
16 SHALL IMMEDIATELY SHUT DOWN THE PIPELINE PENDING AN ANALYSIS UNDER  
17 SUBSECTION (2) (B).

18 (5) IF THE DEPARTMENT DETERMINES, BASED ON THE ANALYSIS UNDER  
19 SUBSECTION (2) (B), THAT THE PUBLIC TRUST IN THE WATERS OF THE GREAT  
20 LAKES IS AT RISK OF BEING IMPAIRED OR SUBSTANTIALLY ADVERSELY  
21 AFFECTED, THE DEPARTMENT SHALL GIVE WRITTEN NOTICE OF ITS  
22 DETERMINATION TO THE OPERATOR OF THE PIPELINE. UNLESS THE OPERATOR  
23 CURES THE RISKS IDENTIFIED IN THE ANALYSIS WITHIN THE PERIOD OF  
24 TIME SPECIFIED BY THE EASEMENT OR, IF NO PERIOD IS SPECIFIED BY THE  
25 EASEMENT, WITHIN 90 DAYS, THE EASEMENT FOR THE PIPELINE IS  
26 TERMINATED AND THE OPERATOR SHALL DECOMMISSION THE PIPELINE.

27 (6) AS USED IN THIS SECTION, "GREAT LAKES" MEANS THE GREAT

1 LAKES AND THEIR CONNECTING WATERS, INCLUDING LAKE ST. CLAIR.

2 Enacting section 1. This amendatory act takes effect 90 days  
3 after the date it is enacted into law.