

SENATE BILL No. 880

April 13, 2016, Introduced by Senators JONES, BIEDA, KNOLLENBERG, KNEZEK and HOOD and referred to the Committee on Energy and Technology.

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, AFTER THE EFFECTIVE DATE OF THE 2016 ACT THAT ADDED THIS
3 SECTION, GRANT AN EASEMENT OVER, THROUGH, UNDER, OR UPON
4 BOTTOMLANDS OF THE GREAT LAKES FOR A PIPELINE TO TRANSPORT CRUDE
5 OIL OR LIQUID PETROLEUM PRODUCTS.

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

10 (A) BY 90 DAYS AFTER THE EFFECTIVE DATE OF THE 2016 ACT THAT

1 ADDED THIS SECTION, PROVIDE THE GOVERNOR AND THE LEGISLATURE WITH A
2 PRELIMINARY ANALYSIS OF RISKS FROM A SPILL FROM THE PIPELINE INTO
3 THE GREAT LAKES.

4 (B) BY 120 DAYS AFTER THE EFFECTIVE DATE OF THE 2016 ACT THAT
5 ADDED THIS SECTION, PROVIDE THE GOVERNOR AND THE LEGISLATURE WITH 1
6 OF THE FOLLOWING:

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

9 (ii) AN ANALYSIS OF RISKS THAT MEETS THE CONTENT REQUIREMENTS
10 OF AN ENVIRONMENTAL IMPACT STATEMENT AS DESCRIBED IN 40 CFR PART
11 1502, INCLUDING ALTERNATIVES TO THE PIPELINE.

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

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

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

1 TERMINATED AND THE OPERATOR SHALL DECOMMISSION THE PIPELINE.

2 (6) AS USED IN THIS SECTION, "GREAT LAKES" MEANS THE GREAT
3 LAKES AND THEIR CONNECTING WATERS, INCLUDING LAKE ST. CLAIR.

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