

# HOUSE BILL No. 6090

December 1, 2016, Introduced by Rep. Irwin and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3109 (MCL 324.3109), as amended by 2014 PA 536, and by adding section 3109f.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1           Sec. 3109. (1) A person shall not directly or indirectly  
2 discharge into the waters of the state a substance that is or may  
3 become injurious to any of the following:
- 4           (a) ~~To the~~ **THE** public health, safety, or welfare.  
5           (b) ~~To domestic,~~ **DOMESTIC**, commercial, industrial,  
6 agricultural, recreational, or other uses that are being made or  
7 may be made of ~~such~~ **THE** waters.
- 8           (c) ~~To the~~ **THE** value or utility of riparian lands.  
9           (d) ~~To livestock,~~ **LIVESTOCK**, wild animals, birds, fish,  
10 aquatic life, or plants or to their growth or propagation.

1 (e) ~~To the~~ **THE** value of fish and game.

2 (2) The discharge of any raw sewage of human origin, directly  
3 or indirectly, into any of the waters of the state ~~shall be~~  
4 ~~considered~~ **IS** prima facie evidence of a violation of this part by  
5 the municipality in which the discharge originated unless the  
6 discharge is permitted by an order or rule of the department. If  
7 the discharge is not the subject of a valid permit issued by the  
8 department, a municipality responsible for the discharge may be  
9 subject to the remedies ~~provided in~~ **AND PENALTIES UNDER** section  
10 3115. If the discharge is the subject of a valid permit issued by  
11 the department pursuant to section 3112, and is in violation of  
12 that permit, a municipality responsible for the discharge is  
13 subject to the **REMEDIES AND** penalties ~~prescribed in~~ **UNDER** section  
14 3115.

15 (3) Notwithstanding subsection (2), a municipality is not  
16 responsible or subject to the remedies or penalties provided in  
17 section 3115 under either of the following circumstances:

18 (a) The discharge is an unauthorized discharge from a sewerage  
19 system as defined in section 4101 that is permitted under this part  
20 and owned by a party other than the municipality, unless the  
21 municipality has accepted responsibility in writing for the  
22 sewerage system and, with respect to the ~~civil fine and penalty~~  
23 **REMEDIES AND PENALTIES** under section 3115, the municipality has  
24 been notified in writing by the department of its responsibility  
25 for the sewerage system.

26 (b) The discharge is from 3 or fewer on-site wastewater  
27 treatment systems.

1 (4) Unless authorized by a permit, order, or rule of the  
2 department, the discharge into the waters of ~~this~~**THE** state of any  
3 medical waste, as defined in part 138 of the public health code,  
4 1978 PA 368, MCL 333.13801 to 333.13832, is prima facie evidence of  
5 a violation of this part and subjects the responsible person to the  
6 **REMEDIES AND** penalties ~~prescribed in~~**UNDER** section 3115.

7 (5) Unless a discharge is authorized by a permit, order, or  
8 rule of the department, the discharge into the waters of ~~this~~**THE**  
9 state from an oceangoing vessel of any ballast water is prima facie  
10 evidence of a violation of this part and subjects the responsible  
11 person to the **REMEDIES AND** penalties ~~prescribed in~~**UNDER** section  
12 3115.

13 **(6) THE DISCHARGE OF CRUDE OIL AS DEFINED IN 46 USC 2101 INTO**  
14 **THE WATERS OF THE STATE FROM A VESSEL IS PRIMA FACIE EVIDENCE OF A**  
15 **VIOLATION OF THIS PART AND SUBJECTS THE RESPONSIBLE PERSON TO THE**  
16 **REMEDIES AND PENALTIES UNDER SECTION 3115.**

17 (7) ~~(6)~~A violation of this section is prima facie evidence of  
18 the existence of a public nuisance and in addition to the remedies  
19 provided for in this part may be abated according to law in an  
20 action brought by the attorney general in a court of competent  
21 jurisdiction.

22 (8) ~~(7)~~As used in this section, "on-site wastewater treatment  
23 system" means a system of components, other than a sewerage system  
24 as defined in section 4101, used to collect and treat sanitary  
25 sewage or domestic equivalent wastewater from 1 or more dwellings,  
26 buildings, or structures and discharge the resulting effluent to a  
27 soil dispersal system on property owned by or under the control of

1 the same individual or entity that owns or controls the dwellings,  
2 buildings, or structures.

3 **SEC. 3109F. A PERSON SHALL NOT USE A VESSEL ON THE GREAT LAKES**  
4 **OR THEIR CONNECTING WATERWAYS FOR THE TRANSPORT OF CRUDE OIL AS**  
5 **DEFINED IN 46 USC 2101.**

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