

SUBSTITUTE FOR
HOUSE BILL NO. 6201

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 3101, 3103, 3111b, and 3115 (MCL 324.3101,
324.3103, 324.3111b, and 324.3115), section 3101 as amended by 2015
PA 247, section 3103 as amended by 2005 PA 33, section 3111b as
added by 2004 PA 142, and section 3115 as amended by 2004 PA 143,
and by adding sections 3111c, 3111d, 3111e, 3111f, 3115b, and 3135.

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~~ **THESE** waters.

1 (b) "Ballast water" means water and associated solids taken on
 2 board a vessel to control or maintain trim, draft, stability, or
 3 stresses on the vessel, without regard to the manner in which it is
 4 carried.

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

8 (i) Filtration.

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

10 (iii) Thermal methods.

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

12 (d) "Department" means the department of environmental
 13 quality.

14 (e) "Detroit ~~consumer price index~~" **CONSUMER PRICE INDEX** means
 15 the most comprehensive index of consumer prices available for the
 16 Detroit area from the United States Department of Labor, Bureau of
 17 Labor Statistics.

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

21 **(G) "GAS" MEANS THAT TERM AS DEFINED IN SECTION 61501.**

22 **(H) ~~(g)~~**"Great Lakes" means the Great Lakes and their
 23 connecting waters, including Lake St. Clair.

24 **(I) ~~(h)~~**"Group 1 facility" means a facility whose discharge is
 25 described by R 323.2218 of the Michigan ~~administrative~~
 26 ~~code~~ **ADMINISTRATIVE CODE.**

27 **(J) ~~(i)~~**"Group 2 facility" means a facility whose discharge is

1 described by R 323.2210(y), R 323.2215, or R 323.2216 of the
2 Michigan ~~administrative code.~~ **ADMINISTRATIVE CODE.** Group 2 facility
3 does not include a Group 2a facility.

4 **(K)** ~~(j)~~—"Group 2a facility" means a facility whose discharge
5 is described by R 323.2210(y) or R 323.2215 of the Michigan
6 ~~administrative code.~~ **ADMINISTRATIVE CODE** and that meets 1 or more of
7 the following:

8 (i) The facility's discharge is from a coin-operated
9 laundromat.

10 (ii) The facility's discharge is from a car wash or vehicle
11 wash open to the public.

12 (iii) The facility's discharge is a subsurface sanitary
13 discharge of fewer than 10,000 gallons per day that does not meet
14 the terms for authorization under R 323.2211(a) of the Michigan
15 ~~administrative code.~~ **ADMINISTRATIVE CODE.**

16 (iv) The facility's discharge is a seasonal sanitary discharge
17 from a public park, public or private recreational vehicle park or
18 campground, or recreational or vacation camp.

19 **(L)** ~~(k)~~—"Group 3 facility" means a facility whose discharge is
20 described by R 323.2211 or R 323.2213 of the Michigan
21 ~~administrative code.~~ **ADMINISTRATIVE CODE.**

22 **(M)** ~~(l)~~—"Local health department" means that term as defined
23 in section 1105 of the public health code, 1978 PA 368, MCL
24 333.1105.

25 **(N)** ~~(m)~~—"Local unit" means a county, city, village, or
26 township or an agency or instrumentality of any of these entities.

27 **(O)** ~~(n)~~—"Municipality" means this state, a county, city,

1 village, or township, or an agency or instrumentality of any of
2 these entities.

3 (P) ~~(e)~~ "National response center" means the National
4 Communications Center established under the ~~clean water act,~~
5 **FEDERAL WATER POLLUTION CONTROL ACT**, 33 USC 1251 to ~~1387,~~ **1388**,
6 located in Washington, DC, that receives and relays notice of oil
7 discharge or releases of hazardous substances to appropriate
8 federal officials.

9 (Q) ~~(p)~~ "Nonocean-going vessel" means a vessel that is not an
10 ocean-going vessel.

11 (R) ~~(q)~~ "Ocean-going vessel" means a vessel that operates on
12 the Great Lakes or the St. Lawrence ~~waterway~~ **WATERWAY** after
13 operating in waters outside of the Great Lakes or the St. Lawrence
14 ~~waterway.~~ **WATERWAY.**

15 (S) **"OIL" MEANS THAT TERM AS DEFINED IN SECTION 61501.**

16 (T) ~~(r)~~ "Open water disposal of contaminated dredge materials"
17 means the placement of dredge materials contaminated with toxic
18 substances as defined in R 323.1205 of the Michigan ~~administrative~~
19 ~~code~~ **ADMINISTRATIVE CODE** into the open waters of the waters of the
20 state but does not include the siting or use of a confined disposal
21 facility designated by the United States Army Corps of Engineers or
22 beach nourishment activities utilizing uncontaminated materials.

23 (U) ~~(s)~~ "Primary public safety answering point" means that
24 term as defined in section 102 of the emergency telephone service
25 enabling act, 1986 PA 32, MCL 484.1102.

26 (V) **"PUBLIC VESSEL" MEANS A VESSEL OWNED OR BAREBOAT CHARTERED**
27 **AND OPERATED BY THE UNITED STATES, OR BY A STATE OR A POLITICAL**

1 SUBDIVISION OF A STATE, OR BY A FOREIGN NATION, EXCEPT WHEN THE
2 VESSEL IS ENGAGED IN COMMERCE.

3 (W) "RELEASE" INCLUDES, BUT IS NOT LIMITED TO, ANY SPILLING,
4 LEAKING, PUMPING, POURING, EMITTING, EMPTYING, DISCHARGING,
5 INJECTING, ESCAPING, LEACHING, DUMPING, OR DISPOSING OF OIL INTO
6 THE ENVIRONMENT, OR THE ABANDONMENT OF A FACILITY OR VESSEL
7 CONTAINING OIL FROM WHICH OIL MAY ENTER THE ENVIRONMENT.

8 (X) ~~(t)~~ "Sediments" means any matter settled out of ballast
9 water within a vessel.

10 (Y) ~~(u)~~ "Sewage sludge" means sewage sludge generated in the
11 treatment of domestic sewage, other than only septage or industrial
12 waste.

13 (Z) ~~(v)~~ "Sewage sludge derivative" means a product for land
14 application derived from sewage sludge that does not include solid
15 waste or other waste regulated under this act.

16 (AA) "SEWAGE SLUDGE DISTRIBUTOR" MEANS A PERSON WHO APPLIES,
17 MARKETS, OR DISTRIBUTES, EXCEPT AT RETAIL, A SEWAGE SLUDGE
18 DERIVATIVE.

19 (BB) ~~(w)~~ "Sewage sludge generator" means a person who
20 generates sewage sludge that is applied to land.

21 ~~(x) "Sewage sludge distributor" means a person who applies,~~
22 ~~markets, or distributes, except at retail, a sewage sludge~~
23 ~~derivative.~~

24 (CC) "STRAITS GAS OR OIL PIPELINE" MEANS AN INTRASTATE
25 PIPELINE OR PORTION OF AN INTERSTATE PIPELINE USED TO TRANSPORT GAS
26 OR OIL, OR BOTH, THROUGH THE STRAITS OF MACKINAC.

27 (DD) ~~(y)~~ "St. Lawrence waterway" means the St. Lawrence River,

1 the St. Lawrence Seaway, and the Gulf of St. Lawrence.

2 **(EE)** ~~(z)~~ "Threshold reporting quantity" means that term as
 3 defined in R 324.2002 of the Michigan ~~administrative~~
 4 ~~code~~. **ADMINISTRATIVE CODE.**

5 **(FF)** "VESSEL" MEANS EVERY DESCRIPTION OF WATERCRAFT OR OTHER
 6 ARTIFICIAL CONTRIVANCE USED, OR CAPABLE OF BEING USED, AS A MEANS
 7 OF TRANSPORTATION ON WATER, OTHER THAN A PUBLIC VESSEL.

8 **(GG)** ~~(aa)~~ "Waters of the state" means groundwaters, lakes,
 9 rivers, and streams and all other watercourses and waters,
 10 including the Great Lakes, within the jurisdiction of this state.

11 Sec. 3103. (1) The department shall protect and conserve the
 12 water resources of the state and shall have control of the
 13 pollution of surface or underground waters of the state and the
 14 Great Lakes, which are or may be affected by waste disposal of any
 15 person. The department may make or cause to be made surveys,
 16 studies, and investigations of the uses of **THE** waters of the state,
 17 both surface and underground, and cooperate with other governments
 18 and governmental units and agencies in making the surveys, studies,
 19 and investigations. The department shall assist in an advisory
 20 capacity a flood control district that may be authorized by ~~the~~
 21 ~~legislature~~. **LAW.** The department, in the public interest, shall
 22 appear and present evidence, reports, and other testimony during
 23 the hearings involving the creation and organization of flood
 24 control districts. The department shall advise and consult with the
 25 legislature on the obligation of ~~the~~ **THIS** state to participate in
 26 the costs of construction and maintenance as provided for in the
 27 official plans of a flood control district or intercounty drainage

1 district.

2 (2) The department shall enforce this part and may promulgate
3 rules as it considers necessary to carry out its duties under this
4 part. However, notwithstanding any rule-promulgation authority that
5 is provided in this part, except for rules authorized under ~~section~~
6 **SECTIONS 3112(6), 3111D, AND 3111E**, the department shall not
7 promulgate any additional rules under this part after December 31,
8 2006.

9 (3) The department may promulgate rules and take other actions
10 as may be necessary to comply with the federal water pollution
11 control act, 33 USC 1251 to ~~1387,~~ **1388**, and to expend funds
12 available under ~~such~~ **THAT** law for extension or improvement of ~~the~~
13 ~~state~~ **THIS STATE'S** or **AN** interstate program for prevention and
14 control of water pollution. This part ~~shall not be construed as~~
15 ~~authorizing~~ **DOES NOT AUTHORIZE** the department to expend or to incur
16 any obligation to expend any state funds ~~for such purpose~~ in excess
17 of any amount that is appropriated. ~~by the legislature.~~

18 (4) Notwithstanding the limitations on rule promulgation under
19 subsection (2), rules promulgated under this part before January 1,
20 2007 ~~shall~~ remain in effect unless rescinded.

21 Sec. 3111b. (1) If a person is required to report a release to
22 the department under ~~part 5 of the water resources protection~~
23 ~~rules,~~ R 324.2001 to R 324.2009 of the Michigan ~~administrative~~
24 ~~code,~~ **ADMINISTRATIVE CODE, OR SECTION 3111C**, the person, via a 9-1-
25 1 call, shall at the same time report the release to the primary
26 public safety answering point serving the jurisdiction where the
27 release occurred.

1 (2) If a person described in subsection (1) is required to
2 subsequently submit to the department a written report on the
3 release under ~~part 5 of the water resources protection rules, R~~
4 ~~324.2001 to R 324.2009 of the Michigan administrative code,~~
5 **ADMINISTRATIVE CODE, OR SECTION 3111C**, the person shall at the same
6 time submit a copy of the report to the local health department
7 serving the jurisdiction where the release occurred.

8 (3) If the department of state police or other state agency
9 receives notification, pursuant to an agreement with or the laws of
10 another state, Canada, or the province of Ontario, of the release
11 in that other jurisdiction of a polluting material in excess of the
12 threshold reporting quantity and if the polluting material has
13 entered or may enter surface waters or groundwaters of this state,
14 the department of state police or other state agency shall contact
15 the primary public safety answering point serving each county that
16 may be affected by the release.

17 (4) The emergency management coordinator of each county shall
18 develop and oversee the implementation of a plan to provide timely
19 notification of a release required to be reported under subsection
20 (1) or (3) to appropriate local, state, and federal agencies. In
21 developing and overseeing the implementation of the plan, the
22 emergency management coordinator shall consult with both of the
23 following:

24 (a) The directors of the primary public safety answering
25 points with jurisdiction within the county.

26 (b) Any emergency management coordinator appointed for a city,
27 village, or township located in that county.

1 (5) If rules promulgated under this part require a person to
2 maintain a pollution incident prevention plan, the person shall
3 update the plan to include the requirements of subsections (1) and
4 (2) when conducting any evaluation of the plan required by rule.

5 (6) If a person reports to the department a release pursuant
6 to subsection (1), the department shall do both of the following:

7 (a) Notify the person of the requirements imposed under
8 subsections (1) and (2).

9 (b) Request that the person, even if not responsible for the
10 release, report the release, via a 9-1-1 call, to the primary
11 public safety answering point serving 1 of the following, as
12 applicable:

13 (i) The jurisdiction where the release occurred, if known.

14 (ii) The jurisdiction where the release was discovered, if the
15 jurisdiction where the release occurred is not known.

16 (7) The department shall notify the public and interested
17 parties, by posting on its website ~~within 30 days after the~~
18 ~~effective date of the amendatory act that added this section~~ and by
19 other appropriate means, of all of the following:

20 (a) The requirements of subsections (1) and (2).

21 (b) The relevant voice, and, if applicable, facsimile
22 telephone numbers of the department and the national response
23 center.

24 (c) The criminal **PENALTIES** and civil ~~sanctions~~ **REMEDIES** under
25 section 3115 applicable to violations of subsections (1) and (2).

26 (8) Failure of the department to provide a person with the
27 notification required under subsection (6) or (7) does not relieve

1 the person of any obligation to report a release or other legal
2 obligation.

3 (9) The department shall biennially do both of the following:

4 (a) Evaluate the state and local reporting system established
5 under this section.

6 (b) Submit to the standing committees of the senate and house
7 of representatives with primary responsibility for environmental
8 protection issues a written report on any changes recommended to
9 the reporting system.

10 **SEC. 3111C. (1) A PERSON THAT IS AN OWNER, OPERATOR, OR**
11 **MANAGER OF A STRAITS GAS OR OIL PIPELINE FROM WHICH A RELEASE**
12 **OCCURS, AND A PERSON WHO CAUSES A RELEASE, SHALL IMMEDIATELY NOTIFY**
13 **LOCAL OFFICIALS OF THE RELEASE AND SHALL IMMEDIATELY NOTIFY THE**
14 **DEPARTMENT OF THE RELEASE BY CONTACTING THE DEPARTMENT'S POLLUTION**
15 **EMERGENCY ALERT SYSTEM OR BY OTHER MEANS REQUIRED BY THE**
16 **DEPARTMENT.**

17 **(2) WITHIN 10 DAYS AFTER A RELEASE, OR A SHORTER PERIOD**
18 **REQUIRED BY THE DEPARTMENT, A PERSON REQUIRED TO REPORT A RELEASE**
19 **UNDER SUBSECTION (1) SHALL SUBMIT AN INITIAL WRITTEN REPORT TO THE**
20 **DEPARTMENT OUTLINING THE CAUSE OF THE RELEASE, DISCOVERY OF THE**
21 **RELEASE, AND EITHER THE RESPONSE MEASURES TAKEN OR A SCHEDULE FOR**
22 **COMPLETION OF MEASURES TO BE TAKEN, OR BOTH, TO PREVENT RECURRENCE**
23 **OF SIMILAR RELEASES.**

24 **(3) WITHIN 60 DAYS AFTER A RELEASE, A PERSON REQUIRED TO**
25 **REPORT A RELEASE UNDER SUBSECTION (1) SHALL MEET WITH**
26 **REPRESENTATIVES FROM THE DEPARTMENT, THE DEPARTMENT OF**
27 **ENVIRONMENTAL QUALITY, THE DEPARTMENT OF STATE POLICE, AND THE**

1 MICHIGAN PUBLIC SERVICE COMMISSION TO DISCUSS THE NATURE OF THE
2 RELEASE AND THE RESPONSE MEASURES THAT HAVE BEEN TAKEN AND THE
3 RESPONSE MEASURES TO BE TAKEN WITH REGARD TO THE RELEASE.

4 (4) THIS SECTION DOES NOT DO EITHER OF THE FOLLOWING:

5 (A) ALTER ANY OTHER EXISTING STATUTE, RULE, OR REQUIREMENT
6 PERTAINING TO STRAITS GAS OR OIL PIPELINES OR POLLUTION OF THE
7 WATERS OF THE STATE.

8 (B) RELIEVE ANY PERSON FROM ANY REPORTING REQUIREMENT IMPOSED
9 UNDER STATE OR FEDERAL LAW OR REGULATION.

10 SEC. 3111D. (1) THE OWNER OR OPERATOR OF A STRAITS GAS OR OIL
11 PIPELINE SHALL PREPARE AND SUBMIT TO THE DEPARTMENT FOR REVIEW AND
12 APPROVAL A SPILL PREVENTION PLAN FOR THAT PIPELINE IN CONFORMANCE
13 WITH THIS SECTION AND THE RULES PROMULGATED UNDER THIS SECTION.

14 (2) AN INITIAL SPILL PREVENTION PLAN MUST BE SUBMITTED TO THE
15 DEPARTMENT NOT LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THE
16 AMENDATORY ACT THAT ADDED THIS SECTION. A SPILL PREVENTION PLAN MAY
17 BE CONSOLIDATED WITH A CONTINGENCY PLAN SUBMITTED UNDER SECTION
18 3111E. THE DEPARTMENT MAY ACCEPT PLANS PREPARED TO COMPLY WITH
19 OTHER STATE OR FEDERAL LAW AS SPILL PREVENTION PLANS TO THE EXTENT
20 THOSE PLANS COMPLY WITH THIS SECTION. THE DEPARTMENT, BY RULE, MAY
21 ESTABLISH ADDITIONAL STANDARDS FOR SPILL PREVENTION PLANS.

22 (3) AS AN INTERIM MEASURE, THE OWNER OR OPERATOR OF A STRAITS
23 GAS OR OIL PIPELINE SHALL, NOT LATER THAN 30 DAYS AFTER THE
24 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION,
25 SUBMIT TO THE DEPARTMENT A COPY OF EACH EXISTING SPILL PREVENTION
26 PLAN OR PROCEDURE USED TO PREVENT SPILLS FROM THE PIPELINE.

27 (4) A SPILL PREVENTION PLAN FOR A STRAITS GAS OR OIL PIPELINE

1 REQUIRED UNDER THIS SECTION MUST, AT A MINIMUM, INCLUDE ALL OF THE
2 FOLLOWING:

3 (A) FULL DETAILS OF THE METHOD OF RESPONSE TO SPILLS OF
4 VARIOUS SIZES FROM ANY PIPELINE COVERED BY THE SPILL PREVENTION
5 PLAN.

6 (B) DOCUMENTATION OF COMPLIANCE WITH THE OIL POLLUTION ACT OF
7 1990, 33 USC 2701 TO 2762, AND FINANCIAL RESPONSIBILITY
8 REQUIREMENTS UNDER FEDERAL AND STATE LAW.

9 (C) A CERTIFICATION THAT SUPERVISORY AND OTHER KEY PERSONNEL
10 IN CHARGE OF THE PIPELINE HAVE BEEN PROPERLY TRAINED.

11 (D) A CERTIFICATION THAT THE PIPELINE HAS AN OPERATIONS
12 MANUAL.

13 (E) A CERTIFICATION OF THE IMPLEMENTATION OF ALCOHOL AND DRUG
14 USE AWARENESS PROGRAMS FOR PERSONNEL IN CHARGE OF THE PIPELINE.

15 (F) A DESCRIPTION OF THE PIPELINE'S MAINTENANCE AND INSPECTION
16 PROGRAM AND THE CURRENT MAINTENANCE AND INSPECTION RECORD OF THE
17 PIPELINE.

18 (G) A DESCRIPTION OF THE SPILL PREVENTION TECHNOLOGY THAT HAS
19 BEEN INSTALLED, INCLUDING LEAK DETECTION SYSTEMS AND ALARMS, AND
20 AUTOMATIC SHUT-OFF VALVES, WITH A MAP OR OTHER FIGURE ACCURATELY
21 DEPICTING THE LOCATIONS OF THE SPILL PREVENTION TECHNOLOGY.

22 (H) A DESCRIPTION OF ANY RELEASES OF GAS OR OIL FROM THE
23 PIPELINE TO THE LAND OR THE WATERS OF THE STATE IN THE PRIOR 5
24 YEARS AND THE MEASURES TAKEN TO PREVENT A REOCCURRENCE.

25 (I) PROVISIONS FOR THE INCORPORATION INTO THE PIPELINE DURING
26 THE PERIOD COVERED BY THE PLAN OF IDENTIFIED MEASURES THAT WILL
27 PROVIDE THE BEST ACHIEVABLE PROTECTION FOR THE PUBLIC HEALTH AND

1 THE ENVIRONMENT, WITH A SCHEDULE FOR IMPLEMENTATION.

2 (J) ANY OTHER INFORMATION REASONABLY NECESSARY TO CARRY OUT
3 THE PURPOSES OF THIS SECTION AS REQUIRED BY RULES PROMULGATED BY
4 THE DEPARTMENT.

5 (5) TO SUPPORT THE DEPARTMENT'S ADMINISTRATION OF THIS
6 SECTION, AN OWNER OR OPERATOR OF A STRAITS GAS OR OIL PIPELINE THAT
7 SUBMITS A SPILL PREVENTION PLAN FOR DEPARTMENTAL REVIEW AND
8 APPROVAL SHALL PAY AN ANNUAL FEE OF \$2,500.00 FOR EACH GEOGRAPHIC
9 PLAN AREA OR SUB-AREA ESTABLISHED BY THE UNITED STATES COAST GUARD
10 AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY THAT IS
11 COVERED IN THE SPILL PREVENTION PLAN. BEGINNING 3 YEARS AFTER THE
12 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE
13 STATE TREASURER SHALL ANNUALLY ADJUST THE FEE UNDER THIS SUBSECTION
14 FOR INFLATION BASED UPON CHANGES IN THE DETROIT CONSUMER PRICE
15 INDEX IN THE PRECEDING PERIOD. THE DEPARTMENT SHALL FORWARD FEES
16 COLLECTED UNDER THIS SUBSECTION TO THE STATE TREASURER FOR DEPOSIT
17 INTO THE GAS AND OIL PIPELINE FUND CREATED IN SECTION 3135.

18 (6) THE DEPARTMENT SHALL APPROVE A SPILL PREVENTION PLAN ONLY
19 IF THE PLAN PROVIDES THE BEST ACHIEVABLE PROTECTION FROM SPILL
20 DAMAGES CAUSED BY THE DISCHARGE OF OIL INTO THE WATERS OF THE STATE
21 AND IF THE DEPARTMENT DETERMINES THAT THE PLAN MEETS THE
22 REQUIREMENTS OF THIS SECTION AND RULES PROMULGATED BY THE
23 DEPARTMENT.

24 (7) IF THE DEPARTMENT FINDS THAT THE SPILL PREVENTION PLAN
25 SUBMITTED UNDER THIS SECTION DOES NOT MEET THE REQUIREMENTS OF THIS
26 SECTION AND ANY APPLICABLE RULES PROMULGATED BY THE DEPARTMENT, THE
27 DEPARTMENT SHALL NOTIFY THE OWNER OR OPERATOR OF THE STRAITS GAS OR

1 OIL PIPELINE OF ITS FINDINGS IN WRITING, IDENTIFYING THE PROVISIONS
2 OF THE PLAN THAT ARE INCOMPLETE OR INADEQUATE. THE OWNER OR
3 OPERATOR SHALL MODIFY THE SPILL PREVENTION PLAN AND RESUBMIT AN
4 APPROVABLE PLAN TO THE DEPARTMENT WITHIN 30 DAYS AFTER THE
5 DEPARTMENT'S NOTIFICATION, UNLESS THE DEPARTMENT AUTHORIZES, IN
6 WRITING, A LONGER RESPONSE PERIOD.

7 (8) UPON APPROVAL OF A SPILL PREVENTION PLAN, THE DEPARTMENT
8 SHALL PROVIDE TO THE OWNER OR OPERATOR OF THE STRAITS GAS OR OIL
9 PIPELINE SUBMITTING THE PLAN A STATEMENT INDICATING THAT THE PLAN
10 HAS BEEN APPROVED FOR THE PIPELINES COVERED BY THE PLAN AND
11 CONTAINING OTHER INFORMATION THE DEPARTMENT DETERMINES SHOULD BE
12 INCLUDED.

13 (9) A SPILL PREVENTION PLAN APPROVED UNDER THIS SECTION IS
14 VALID FOR 5 YEARS. AN OWNER OR OPERATOR OF A STRAITS GAS OR OIL
15 PIPELINE SHALL NOTIFY THE DEPARTMENT IN WRITING IMMEDIATELY OF ANY
16 SIGNIFICANT CHANGE OF WHICH THE OWNER OR OPERATOR IS AWARE
17 AFFECTING THE SPILL PREVENTION PLAN, INCLUDING CHANGES IN ANY
18 FACTOR SET FORTH IN THIS SECTION OR IN RULES PROMULGATED BY THE
19 DEPARTMENT. THE DEPARTMENT MAY REQUIRE THE OWNER OR OPERATOR TO
20 UPDATE A SPILL PREVENTION PLAN AS A RESULT OF THE CHANGES
21 IDENTIFIED IN THE NOTIFICATION FROM THE OWNER OR OPERATOR, OR IF
22 THE DEPARTMENT INDEPENDENTLY IDENTIFIES CHANGED CIRCUMSTANCES
23 WARRANTING AN UPDATE. HOWEVER, THE DEPARTMENT SHALL NOT ASSESS ANY
24 ADDITIONAL FEES BEYOND THE ANNUAL FEE FOR UPDATING A SPILL
25 PREVENTION PLAN WITHIN THE 5-YEAR PERIOD.

26 (10) THE OWNER OR OPERATOR OF A STRAITS GAS OR OIL PIPELINE
27 SHALL REVIEW, UPDATE, IF NECESSARY, AND RESUBMIT THE SPILL

1 PREVENTION PLAN TO THE DEPARTMENT AT LEAST ONCE EVERY 5 YEARS OR
2 WITHIN 60 DAYS AFTER RECEIPT OF A REQUEST FROM THE DEPARTMENT.

3 (11) APPROVAL OF A SPILL PREVENTION PLAN BY THE DEPARTMENT
4 DOES NOT CONSTITUTE AN ASSURANCE REGARDING THE ADEQUACY OF THE PLAN
5 OR CONSTITUTE A DEFENSE TO LIABILITY IMPOSED UNDER THIS PART OR
6 OTHER STATE LAW.

7 (12) THE CONTENT OF A SPILL PREVENTION PLAN PREPARED UNDER
8 THIS SECTION IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF
9 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

10 SEC. 3111E. (1) THE OWNER OR OPERATOR OF A STRAITS GAS OR OIL
11 PIPELINE SHALL SUBMIT TO THE DEPARTMENT FOR REVIEW AND APPROVAL A
12 CONTINGENCY PLAN FOR THE CONTAINMENT AND CLEANUP OF GAS OR OIL
13 SPILLS FROM THE PIPELINE INTO THE WATERS OF THE STATE AND FOR THE
14 PROTECTION OF FISHERIES AND WILDLIFE, NATURAL RESOURCES, AND PUBLIC
15 AND PRIVATE PROPERTY FROM THESE SPILLS IN CONFORMANCE WITH THIS
16 SECTION AND THE RULES PROMULGATED UNDER THIS SECTION.

17 (2) THE OWNER OR OPERATOR OF A STRAITS GAS OR OIL PIPELINE
18 SHALL SUBMIT AN INITIAL CONTINGENCY PLAN TO THE DEPARTMENT NOT
19 LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
20 THAT ADDED THIS SECTION. THE CONTINGENCY PLAN MAY BE CONSOLIDATED
21 WITH A SPILL PREVENTION PLAN SUBMITTED UNDER SECTION 3111D. THE
22 DEPARTMENT MAY ACCEPT PLANS PREPARED TO COMPLY WITH OTHER STATE OR
23 FEDERAL LAW AS CONTINGENCY OR RESPONSE PLANS TO THE EXTENT THOSE
24 PLANS COMPLY WITH THIS SECTION.

25 (3) AS AN INTERIM MEASURE, THE OWNER OR OPERATOR OF A STRAITS
26 GAS OR OIL PIPELINE SHALL, NOT LATER THAN 30 DAYS AFTER THE
27 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION,

1 SUBMIT TO THE DEPARTMENT A COPY OF EACH EXISTING CONTINGENCY OR
2 SPILL RESPONSE PLAN ESTABLISHED FOR THE PIPELINE.

3 (4) A CONTINGENCY PLAN REQUIRED UNDER THIS SECTION MUST BE
4 DESIGNED TO ENSURE THAT THE OWNER OR OPERATOR OF A STRAITS GAS OR
5 OIL PIPELINE IS CAPABLE IN TERMS OF PERSONNEL, MATERIALS, AND
6 EQUIPMENT, OF PROMPTLY AND PROPERLY, TO THE MAXIMUM EXTENT
7 PRACTICABLE, REMOVING GAS OR OIL, OR BOTH, AND MINIMIZING ANY
8 DAMAGE TO THE ENVIRONMENT RESULTING FROM A WORST-CASE SPILL AND AT
9 A MINIMUM MUST INCLUDE ALL OF THE FOLLOWING:

10 (A) FULL DETAILS OF THE METHOD OF RESPONSE TO SPILLS OF
11 VARIOUS SIZES FROM ANY STRAITS GAS OR OIL PIPELINE THAT IS COVERED
12 BY THE PLAN.

13 (B) A CLEAR, PRECISE, AND DETAILED DESCRIPTION OF HOW THE PLAN
14 RELATES TO, AND IS INTEGRATED INTO, RELEVANT CONTINGENCY PLANS THAT
15 HAVE BEEN PREPARED OR APPROVED BY THIS STATE AND THE FEDERAL
16 GOVERNMENT.

17 (C) PROCEDURES FOR EARLY DETECTION OF GAS OR OIL SPILLS AND
18 TIMELY NOTIFICATION OF GAS OR OIL SPILLS TO APPROPRIATE FEDERAL,
19 STATE, AND LOCAL AUTHORITIES UNDER APPLICABLE STATE AND FEDERAL
20 LAW.

21 (D) THE NUMBER, TRAINING PREPAREDNESS, AND QUALIFICATIONS OF
22 ALL DEDICATED, PREPOSITIONED PERSONNEL ASSIGNED TO DIRECT AND
23 IMPLEMENT THE PLAN, INCLUDING, AS APPLICABLE, ALL OF THE FOLLOWING:

24 (i) THE NAME OF ANY CONTRACTED OIL SPILL RESPONSE
25 ORGANIZATION, INCLUDING A CONTACT PERSON, A MAILING ADDRESS AND
26 PHYSICAL ADDRESS, ELECTRONIC MAIL, AND FACSIMILE, TELEPHONE, CELL,
27 AND ON-CALL NUMBERS.

1 (ii) THE NAME OF ANY SUBCONTRACTOR, INCLUDING A CONTACT
2 PERSON, A MAILING ADDRESS AND PHYSICAL ADDRESS, ELECTRONIC MAIL,
3 AND FACSIMILE, TELEPHONE, CELL, AND ON-CALL NUMBERS.

4 (E) PROVISIONS FOR PERIODIC TRAINING AND DRILL PROGRAMS TO
5 EVALUATE WHETHER PERSONNEL AND EQUIPMENT PROVIDED UNDER THE PLAN
6 ARE IN A STATE OF OPERATIONAL READINESS AT ALL TIMES.

7 (F) A DESCRIPTION OF THE MEANS OF PROTECTING AND MITIGATING
8 EFFECTS ON THE ENVIRONMENT, INCLUDING FISH, AQUATIC LIFE, AND OTHER
9 WILDLIFE, AND ENSURING THAT IMPLEMENTATION OF THE PLAN DOES NOT
10 POSE UNACCEPTABLE RISKS TO THE PUBLIC OR THE ENVIRONMENT.

11 (G) PROVISIONS FOR THE PREPOSITIONING OF GAS OR OIL SPILL
12 CONTAINMENT AND CLEANUP EQUIPMENT AND TRAINED PERSONNEL AT
13 STRATEGIC LOCATIONS FROM WHICH THEY CAN BE DEPLOYED TO THE SPILL
14 SITE TO PROMPTLY AND PROPERLY REMOVE THE SPILLED GAS OR OIL.

15 (H) PROVISIONS FOR ENLISTING THE USE OF PERSONNEL TO IMPLEMENT
16 THE PLAN WHO HAVE BEEN TRAINED IN ACCORDANCE WITH FEDERAL EMERGENCY
17 MANAGEMENT AGENCY PROTOCOLS BY NATIONAL INCIDENT MANAGEMENT SYSTEM
18 CERTIFIED INSTRUCTORS.

19 (I) PROVISIONS FOR THE DISPOSAL OF RECOVERED SPILLED GAS OR
20 OIL IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL LAWS.

21 (J) THE AMOUNT AND TYPE OF EQUIPMENT AVAILABLE TO RESPOND TO A
22 SPILL, THE EQUIPMENT LOCATION, AND THE EXTENT TO WHICH OTHER
23 CONTINGENCY PLANS RELY ON THE SAME EQUIPMENT.

24 (K) IDENTIFICATION OF THE INDIVIDUAL OR INDIVIDUALS
25 RESPONSIBLE FOR SUPERVISING PLAN IMPLEMENTATION AND THE OWNER'S AND
26 OPERATOR'S DESIGNATED POINT OF CONTACT FOR COMMUNICATION WITH THE
27 DEPARTMENT AND OTHER STATE, FEDERAL, TRIBAL, AND LOCAL OFFICIALS IF

1 A SPILL OCCURS.

2 (l) THE PROCEDURES TO BE USED TO NOTIFY STATE, FEDERAL,
3 TRIBAL, AND LOCAL OFFICIALS OF A SPILL AND THE RESPONSE ACTIONS
4 TAKEN.

5 (5) TO SUPPORT THE DEPARTMENT'S ADMINISTRATION OF THIS
6 SECTION, AN OWNER OR OPERATOR OF A STRAITS GAS OR OIL PIPELINE THAT
7 SUBMITS A CONTINGENCY PLAN FOR DEPARTMENTAL REVIEW AND APPROVAL
8 SHALL PAY AN ANNUAL FEE OF \$12,500.00 FOR EACH GEOGRAPHIC PLAN AREA
9 OR SUB-AREA ESTABLISHED BY THE UNITED STATES COAST GUARD AND THE
10 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY THAT IS COVERED IN
11 THE CONTINGENCY PLAN. BEGINNING 3 YEARS AFTER THE EFFECTIVE DATE OF
12 THE AMENDATORY ACT THAT ADDED THIS SECTION, THE STATE TREASURER
13 SHALL ADJUST THE FEE UNDER THIS SECTION FOR INFLATION BASED UPON
14 CHANGES IN THE DETROIT CONSUMER PRICE INDEX. THE DEPARTMENT SHALL
15 FORWARD FEES COLLECTED UNDER THIS SECTION TO THE STATE TREASURER
16 FOR DEPOSIT INTO THE GAS AND OIL PIPELINE FUND CREATED IN SECTION
17 3135.

18 (6) THE DEPARTMENT MAY ACCEPT AS A CONTINGENCY PLAN UNDER THIS
19 SECTION A CONTINGENCY PLAN PREPARED FOR AN AGENCY OF THE FEDERAL
20 GOVERNMENT OR ANOTHER STATE IF IT SATISFIES THE REQUIREMENTS OF
21 THIS SECTION AND RULES PROMULGATED BY THE DEPARTMENT. THE
22 DEPARTMENT SHALL ENSURE THAT, TO THE GREATEST EXTENT POSSIBLE,
23 REQUIREMENTS FOR CONTINGENCY PLANS UNDER THIS SECTION ARE
24 CONSISTENT WITH THE REQUIREMENTS FOR CORRESPONDING CONTINGENCY
25 PLANS UNDER FEDERAL LAW.

26 (7) IN REVIEWING THE CONTINGENCY PLANS REQUIRED UNDER THIS
27 SECTION, THE DEPARTMENT SHALL, AT A MINIMUM, CONSIDER ALL OF THE

1 FOLLOWING FACTORS:

2 (A) THE ADEQUACY OF CONTAINMENT AND CLEANUP EQUIPMENT,
3 PERSONNEL, COMMUNICATIONS EQUIPMENT, NOTIFICATION PROCEDURES AND
4 CALL DOWN LISTS, RESPONSE TIME, AND LOGISTICAL ARRANGEMENTS FOR
5 COORDINATION AND IMPLEMENTATION OF RESPONSE EFFORTS TO REMOVE GAS
6 OR OIL SPILLS PROMPTLY AND PROPERLY AND TO PROTECT THE ENVIRONMENT.

7 (B) THE VOLUME AND TYPE OF GAS OR OIL BEING TRANSPORTED WITHIN
8 THE AREA COVERED BY THE PLAN.

9 (C) THE HISTORY AND CIRCUMSTANCES SURROUNDING PRIOR GAS OR OIL
10 SPILLS WITHIN THE AREA COVERED BY THE PLAN.

11 (D) THE SENSITIVITY OF FISHERIES, AQUATIC LIFE, AND WILDLIFE
12 AND OTHER NATURAL RESOURCES WITHIN THE AREA COVERED BY THE PLAN.

13 (E) THE EXTENT TO WHICH REASONABLE, COST-EFFECTIVE MEASURES TO
14 REDUCE THE LIKELIHOOD THAT A SPILL WILL OCCUR AND TO MINIMIZE THE
15 IMPACT OF A SPILL HAVE BEEN INCORPORATED INTO THE PLAN.

16 (8) THE DEPARTMENT SHALL APPROVE A CONTINGENCY PLAN SUBMITTED
17 UNDER THIS SECTION ONLY IF IT DETERMINES THAT THE PLAN MEETS THE
18 REQUIREMENTS OF THIS SECTION AND THE RULES PROMULGATED UNDER THIS
19 SECTION AND THAT, IF IMPLEMENTED, THE PLAN INCLUDES PERSONNEL,
20 MATERIALS, AND EQUIPMENT, CAPABLE OF REMOVING GAS OR OIL PROMPTLY
21 AND PROPERLY AND MINIMIZING ANY DAMAGE TO THE ENVIRONMENT.

22 (9) IF THE DEPARTMENT FINDS THAT A CONTINGENCY PLAN SUBMITTED
23 UNDER THIS SECTION DOES NOT MEET THE REQUIREMENTS OF THIS SECTION
24 AND ANY APPLICABLE RULES, THE DEPARTMENT SHALL NOTIFY THE OWNER OR
25 OPERATOR OF THE STRAITS GAS OR OIL PIPELINE OF ITS FINDINGS IN
26 WRITING, IDENTIFYING THE PROVISIONS OF THE PLAN THAT ARE INCOMPLETE
27 OR INADEQUATE. THE OWNER OR OPERATOR SHALL MODIFY THE PLAN AND

1 RESUBMIT AN APPROVABLE PLAN TO THE DEPARTMENT WITHIN 30 DAYS AFTER
2 THE DEPARTMENT'S NOTIFICATION, UNLESS THE DEPARTMENT AUTHORIZES IN
3 WRITING A LONGER RESPONSE PERIOD.

4 (10) A CONTINGENCY PLAN APPROVED UNDER THIS SECTION IS VALID
5 FOR 5 YEARS. UPON APPROVAL OF A CONTINGENCY PLAN, THE DEPARTMENT
6 SHALL PROVIDE TO THE OWNER OR OPERATOR OF THE STRAITS GAS OR OIL
7 PIPELINE SUBMITTING THE PLAN A STATEMENT INDICATING THAT THE PLAN
8 HAS BEEN APPROVED, THE STRAITS GAS OR OIL PIPELINES COVERED BY THE
9 PLAN, AND OTHER INFORMATION THE DEPARTMENT DETERMINES SHOULD BE
10 INCLUDED.

11 (11) AN OWNER OR OPERATOR OF A STRAITS GAS OR OIL PIPELINE
12 SHALL NOTIFY THE DEPARTMENT IN WRITING IMMEDIATELY OF ANY
13 SIGNIFICANT CHANGE OF WHICH IT IS AWARE AFFECTING ITS CONTINGENCY
14 PLAN, INCLUDING CHANGES IN ANY FACTOR SET FORTH IN THIS SECTION OR
15 IN RULES PROMULGATED BY THE DEPARTMENT. THE DEPARTMENT MAY REQUIRE
16 THE OWNER OR OPERATOR TO UPDATE A CONTINGENCY PLAN AS A RESULT OF
17 THE CHANGES IDENTIFIED IN THE NOTIFICATION FROM THE OWNER OR
18 OPERATOR, OR IF THE DEPARTMENT INDEPENDENTLY IDENTIFIES CHANGED
19 CIRCUMSTANCES WARRANTING AN UPDATE. HOWEVER, THE DEPARTMENT SHALL
20 NOT ASSESS ANY ADDITIONAL FEES BEYOND THE ANNUAL FEE FOR UPDATING A
21 CONTINGENCY PLAN WITHIN THE 5-YEAR PERIOD.

22 (12) THE OWNER OR OPERATOR OF A STRAITS GAS OR OIL PIPELINE
23 SHALL REVIEW, UPDATE, IF NECESSARY, AND RESUBMIT THE CONTINGENCY
24 PLAN TO THE DEPARTMENT AT LEAST ONCE EVERY 5 YEARS OR WITHIN 60
25 DAYS AFTER RECEIPT OF A REQUEST FROM THE DEPARTMENT.

26 (13) APPROVAL OF A CONTINGENCY PLAN BY THE DEPARTMENT DOES NOT
27 CONSTITUTE AN ASSURANCE REGARDING THE ADEQUACY OF THE PLAN OR

1 CONSTITUTE A DEFENSE TO LIABILITY IMPOSED UNDER THIS PART OR OTHER
2 STATE LAW.

3 (14) THE CONTENT OF A CONTINGENCY PLAN PREPARED UNDER THIS
4 SECTION IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION
5 ACT, 1976 PA 442, MCL 15.231 TO 15.246.

6 SEC. 3111F. THE OWNER OR OPERATOR OF A STRAITS GAS OR OIL
7 PIPELINE SHALL ANNUALLY MEET WITH LOCAL EMERGENCY RESPONDERS TO
8 REVIEW THE SPILL PREVENTION PLAN FOR THE PIPELINE AND THE
9 CONTINGENCY PLAN FOR THE PIPELINE.

10 Sec. 3115. (1) The department may request the attorney general
11 to commence a civil action for appropriate relief, including a
12 permanent or temporary injunction, for a violation of this part or
13 a provision of a permit or order issued or rule promulgated under
14 this part. An action under this subsection may be brought in the
15 circuit court for the county of Ingham or for the county in which
16 the defendant is located, resides, or is doing business. If
17 requested by the defendant within 21 days after service of process,
18 the court shall grant a change of venue to the circuit court for
19 the county of Ingham or for the county in which the alleged
20 violation occurred, is occurring, or, in the event of a threat of
21 violation, will occur. The court has jurisdiction to restrain the
22 violation and to require compliance. In addition to any other
23 relief granted under this subsection, the court, except as
24 otherwise provided in this subsection, shall impose a civil fine of
25 not less than \$2,500.00 and the court may award reasonable attorney
26 fees and costs to the prevailing party. However, **EXCEPT AS PROVIDED**
27 **IN SECTION 3115B**, all of the following apply:

1 (a) The ~~maximum fine imposed by the court shall be~~ **COURT SHALL**
2 **IMPOSE A CIVIL FINE OF** not more than \$25,000.00 per day of
3 violation.

4 (b) For a failure to report a release to the department or to
5 the primary public safety answering point under section 3111b(1),
6 the court shall impose a civil fine of not more than \$2,500.00.

7 (c) For a failure to report a release to the local health
8 department under section 3111b(2), the court shall impose a civil
9 fine of not more than \$500.00.

10 (2) A person who at the time of the violation knew or should
11 have known that he or she discharged a substance contrary to this
12 part, or contrary to a permit or order issued or rule promulgated
13 under this part, or who intentionally makes a false statement,
14 representation, or certification in an application for or form
15 pertaining to a permit or in a notice or report required by the
16 terms and conditions of an issued permit, or who intentionally
17 renders inaccurate a monitoring device or record required to be
18 maintained by the department, is guilty of a felony and shall be
19 fined not less than \$2,500.00 or more than \$25,000.00 for each
20 violation. The court may impose an additional fine of not more than
21 \$25,000.00 for each day during which the unlawful discharge
22 occurred. If the conviction is for a violation committed after a
23 first conviction of the person under this subsection, the court
24 shall impose a fine of not less than \$25,000.00 per day and not
25 more than \$50,000.00 per day of violation. Upon conviction, in
26 addition to a fine, the court in its discretion may sentence the
27 defendant to imprisonment for not more than 2 years or impose

1 probation upon a person for a violation of this part. With the
2 exception of the issuance of criminal complaints, issuance of
3 warrants, and the holding of an arraignment, the circuit court for
4 the county in which the violation occurred has exclusive
5 jurisdiction. However, the person ~~shall~~**IS** not ~~be~~ subject to the
6 penalties of this subsection if the discharge of the effluent is in
7 conformance with and obedient to a rule, order, or permit of the
8 department. In addition to ~~a fine,~~**THE PENALTIES UNDER THIS**
9 **SUBSECTION**, the attorney general may file a civil suit in a court
10 of competent jurisdiction to recover the full value of the injuries
11 done to the natural resources of ~~the~~**THIS** state and the costs of
12 surveillance and enforcement by ~~the~~**THIS** state resulting from the
13 violation.

14 (3) Upon a finding by the court that the actions of a civil
15 defendant pose or posed a substantial endangerment to the public
16 health, safety, or welfare, the court shall impose, in addition to
17 the sanctions set forth in subsection (1), a **CIVIL** fine of not less
18 than \$500,000.00 and not more than \$5,000,000.00.

19 (4) Upon a finding by the court that the actions of a criminal
20 defendant pose or posed a substantial endangerment to the public
21 health, safety, or welfare, the court shall impose, in addition to
22 the penalties set forth in subsection (2), a fine of not less than
23 \$1,000,000.00 and, in addition to a fine, a sentence of 5 years'
24 imprisonment.

25 (5) To find a defendant civilly or criminally liable for
26 substantial endangerment under subsection (3) or (4), the court
27 shall determine that the defendant knowingly or recklessly acted in

1 such a manner as to cause a danger of death or serious bodily
2 injury and that either of the following occurred:

3 (a) The defendant had an actual awareness, belief, or
4 understanding that his or her conduct would cause a substantial
5 danger of death or serious bodily injury.

6 (b) The defendant acted in gross disregard of the standard of
7 care that any reasonable person should observe in similar
8 circumstances.

9 (6) Knowledge possessed by a person other than the defendant
10 under subsection (5) may be attributable to the defendant if the
11 defendant took affirmative steps to shield himself or herself from
12 the relevant information.

13 (7) A civil fine or other award ordered paid pursuant to this
14 section ~~shall~~ **MUST** do both of the following:

15 (a) Be payable to the state of Michigan and credited to the
16 general fund.

17 (b) Constitute a lien on any property, of any nature or kind,
18 owned by the defendant.

19 (8) A lien under subsection (7) (b) ~~shall take~~ **TAKES** effect and
20 ~~have~~ **HAS** priority over all other liens and encumbrances except
21 those filed or recorded prior to the date of judgment only if
22 notice of the lien is filed or recorded as required by state or
23 federal law.

24 (9) A lien filed or recorded pursuant to subsection (8) ~~shall~~
25 **MUST** be terminated according to the procedures required by state or
26 federal law within 14 days after the fine or other award ordered to
27 be paid is paid.

1 (10) In addition to any other method of collection, any fine
2 or other award ordered paid may be recovered by right of setoff to
3 any debt owed to the defendant by ~~the~~**THIS** state, ~~of Michigan,~~
4 including the right to a refund of income taxes paid.

5 **SEC. 3115B. (1) THIS SECTION APPLIES TO ANY RELEASE OF GAS OR**
6 **OIL, OR BOTH, FROM A STRAITS GAS OR OIL PIPELINE OR A VESSEL INTO**
7 **THE WATERS OF THE STATE AND TO THE FAILURE TO COMPLY WITH THE**
8 **REQUIREMENTS OF THIS PART INVOLVING STRAITS GAS OR OIL PIPELINES.**

9 **(2) THE LIABILITY AND REMEDIES PROVIDED IN THIS SECTION ARE IN**
10 **ADDITION TO AND DO NOT LIMIT THE CIVIL AND CRIMINAL LIABILITY**
11 **ESTABLISHED BY OTHER APPLICABLE FEDERAL AND STATE LAW, INCLUDING,**
12 **BUT NOT LIMITED TO, LIABILITY FOR RESPONSE ACTIVITY OR**
13 **REIMBURSEMENT OF RESPONSE ACTIVITY COSTS UNDER PART 201, AND**
14 **LIABILITY FOR DAMAGES TO NATURAL RESOURCES AND OTHER PUBLIC AND**
15 **PRIVATE PROPERTY.**

16 **(3) THE OWNER, OPERATOR, OR MANAGER OF A STRAITS GAS OR OIL**
17 **PIPELINE OR A VESSEL FROM WHICH GAS OR OIL, OR BOTH, ARE RELEASED**
18 **INTO THE ENVIRONMENT WHERE IT IS OR MAY BE DISCHARGED INTO THE**
19 **WATERS OF THE STATE, AND ANY OTHER PERSON RESPONSIBLE FOR AN**
20 **ACTIVITY THAT CAUSES SUCH A RELEASE IS LIABLE TO THE STATE FOR**
21 **CIVIL FINES AS FOLLOWS:**

22 **(A) EACH PERSON LIABLE FOR A RELEASE IS JOINTLY AND SEVERALLY**
23 **LIABLE FOR A CIVIL FINE OF NOT MORE THAN \$37,500.00 FOR EACH DAY**
24 **THAT A RELEASE OCCURS.**

25 **(B) IF THE RELEASE WAS THE RESULT OF GROSS NEGLIGENCE OR**
26 **WILLFUL MISCONDUCT, EACH PERSON LIABLE FOR THE RELEASE IS JOINTLY**
27 **AND SEVERALLY LIABLE FOR A CIVIL FINE OF NOT LESS THAN \$150,000.00.**

1 (4) IN DETERMINING THE AMOUNT OF A CIVIL FINE UNDER SUBSECTION
2 (3), THE COURT SHALL CONSIDER THE SERIOUSNESS OF THE VIOLATION OR
3 VIOLATIONS; THE ECONOMIC BENEFIT TO THE VIOLATOR, IF ANY, RESULTING
4 FROM THE VIOLATION; THE DEGREE OF CULPABILITY INVOLVED; ANY OTHER
5 PENALTY FOR THE SAME INCIDENT; ANY HISTORY OF PRIOR VIOLATIONS; THE
6 NATURE, EXTENT, AND DEGREE OF SUCCESS OF ANY EFFORTS OF THE
7 VIOLATOR TO MINIMIZE OR MITIGATE THE EFFECTS OF THE RELEASE; THE
8 ECONOMIC IMPACT OF THE FINE ON THE VIOLATOR; AND ANY OTHER MATTERS
9 AS JUSTICE REQUIRES.

10 (5) THE OWNER OR OPERATOR OF A STRAITS GAS OR OIL PIPELINE
11 THAT FAILS TO SUBMIT, OR RESUBMIT, A SPILL PREVENTION PLAN REQUIRED
12 UNDER SECTION 3111D IS LIABLE FOR A CIVIL FINE OF \$1,000.00 FOR
13 EACH DAY OF VIOLATION.

14 (6) THE OWNER OR OPERATOR OF A STRAITS GAS OR OIL PIPELINE
15 THAT FAILS TO SUBMIT, OR RESUBMIT, A CONTINGENCY PLAN REQUIRED
16 UNDER SECTION 3111E IS LIABLE FOR A CIVIL FINE OF \$1,000.00 FOR
17 EACH DAY OF VIOLATION.

18 (7) BEGINNING 3 YEARS AFTER THE EFFECTIVE DATE OF THE
19 AMENDATORY ACT THAT ADDED THIS SECTION, THE STATE TREASURER SHALL
20 ADJUST FOR INFLATION BASED UPON CHANGES IN THE DETROIT CONSUMER
21 PRICE INDEX THE CIVIL FINE AMOUNTS SPECIFIED IN SUBSECTIONS (3),
22 (5), AND (6).

23 (8) THE FEES AND FINES PAYABLE UNDER THIS SECTION ARE THOSE
24 AMOUNTS AS ADJUSTED BY THE STATE TREASURER FOR THE YEAR IN WHICH
25 THE FEES ARE PAYABLE OR THE LIABILITY FOR CIVIL FINES AROSE.

26 (9) CIVIL FINES COLLECTED UNDER THIS SECTION MUST BE FORWARDED
27 TO THE STATE TREASURER FOR DEPOSIT INTO THE GAS AND OIL PIPELINE

1 FUND CREATED IN SECTION 3135.

2 SEC. 3135. (1) THE GAS AND OIL PIPELINE FUND IS CREATED WITHIN
3 THE STATE TREASURY.

4 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
5 ANY SOURCE FOR DEPOSIT INTO THE GAS AND OIL PIPELINE FUND. THE
6 STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE GAS AND OIL
7 PIPELINE FUND. THE STATE TREASURER SHALL CREDIT TO THE GAS AND OIL
8 PIPELINE FUND INTEREST AND EARNINGS FROM GAS AND OIL PIPELINE FUND
9 INVESTMENTS.

10 (3) MONEY IN THE GAS AND OIL PIPELINE FUND AT THE CLOSE OF THE
11 FISCAL YEAR REMAINS IN THE GAS AND OIL PIPELINE FUND AND DOES NOT
12 LAPSE TO THE GENERAL FUND.

13 (4) THE DEPARTMENT IS THE ADMINISTRATOR OF THE GAS AND OIL
14 PIPELINE FUND FOR AUDITING PURPOSES.

15 (5) MONEY FROM THE GAS AND OIL PIPELINE FUND SHALL BE USED,
16 UPON APPROPRIATION, ONLY FOR THE FOLLOWING PURPOSES:

17 (A) FOR ACTIVITIES OF THE DEPARTMENT AND DEPARTMENT OF
18 ATTORNEY GENERAL IN INVESTIGATING AND BRINGING ENFORCEMENT ACTIONS
19 FOR VIOLATIONS OF SECTIONS 3111C, 3111D, 3111E, AND 3115B.

20 (B) FOR ACTIVITIES OF STATE AGENCIES TO PREVENT OR MITIGATE
21 RELEASES OF GAS AND OIL INTO THE ENVIRONMENT.

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