

HOUSE BILL No. 5225

December 1, 1993, Introduced by Rep. Baade and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend Act No. 245 of the Public Acts of 1929,
entitled as amended

"An act to regulate, protect, and conserve the water resources of the state, to provide for the control over the pollution of any waters of the state and the Great Lakes, to provide for the control over the alteration of the watercourses and the floodplains of all rivers and streams; to create a water resources commission; to prescribe the powers and duties of certain state agencies and officials; to require the registration of manufacturing products, production materials, and waste products where certain wastes are discharged; to require permits to regulate the discharge or storage of any substance which may affect the quality of the waters of the state and to establish restrictions to assure compliance with applicable state standards and to authorize the establishment of permit restrictions and programs to assure compliance with applicable federal law and regulations; to prohibit the pollution of any waters of the state and the Great Lakes; to prohibit the obstruction of the floodways of the rivers and streams of the state; to designate the department of natural resources as the state agency to cooperate and negotiate with other governments and agencies in matters concerning the water resources of the state; and to provide penalties and remedies for the violation of this act,"

as amended, being sections 323.1 to 323.12a of the Michigan Compiled Laws, by adding section 12b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 245 of the Public Acts of 1929, as
2 amended, being sections 323.1 to 323.12a of the Michigan Compiled
3 Laws, is amended by adding section 12b to read as follows:

4 SEC. 12B. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
5 ACT, THIS ACT DOES NOT RELIEVE ANY PERSON WHO DIRECTLY OR INDI-
6 RECTLY, INTENTIONALLY OR UNINTENTIONALLY, DISCHARGES INTO THE
7 WATERS OF THE STATE ANY SUBSTANCE WHICH IS OR MAY BECOME INJURI-
8 OUS TO THE PUBLIC HEALTH, SAFETY, OR WELFARE; OR WHICH IS OR MAY
9 BECOME INJURIOUS TO DOMESTIC, COMMERCIAL, INDUSTRIAL, AGRICULTUR-
10 AL, RECREATIONAL, OR OTHER USES WHICH ARE BEING OR MAY BE MADE OF
11 SUCH WATERS; OR WHICH IS OR MAY BECOME INJURIOUS TO THE VALUE OR
12 UTILITY OF RIPARIAN LANDS; OR WHICH IS OR MAY BECOME INJURIOUS TO
13 LIVESTOCK, WILD ANIMALS, BIRDS, FISH, AQUATIC LIFE, OR PLANTS OR
14 THE GROWTH OR PROPAGATION OF PLANTS; FROM CRIMINAL OR CIVIL
15 RESPONSIBILITY FOR DAMAGING OR ENDANGERING THE WATERS OF THE
16 STATE.

17 (2) A PERMIT ISSUED UNDER THIS ACT AND THE RULES PROMULGATED
18 UNDER THIS ACT IS NOT A DEFENSE TO A VIOLATION OF THIS ACT OR OF
19 ANY OTHER ACT RELATED TO AN ACTION INVOLVING A DISCHARGE
20 DESCRIBED IN SUBSECTION (1). EVIDENCE OF A PERMIT ISSUED UNDER
21 THIS ACT AND THE RULES PROMULGATED UNDER THIS ACT SHALL NOT BE
22 RECEIVED AS EVIDENCE IN ANY CRIMINAL OR CIVIL ACTION INVOLVING A
23 DISCHARGE DESCRIBED IN SUBSECTION (1) AGAINST ANY PERSON FOR A
24 VIOLATION OF THIS ACT OR ANY OTHER ACT.