

SUBSTITUTE FOR  
HOUSE BILL NO. 4603

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

**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 public health, safety, or welfare.
- 5       (b) To domestic, commercial, industrial, agricultural,  
6   recreational, or other uses that are being made or may be made of  
7   such waters.
- 8       (c) To the value or utility of riparian lands.
- 9       (d) To livestock, wild animals, birds, fish, aquatic life, or  
10   plants or to ~~the growth, propagation, or the~~ **THEIR** growth or

1 propagation. ~~thereof be prevented or injuriously affected; or~~  
2 ~~whereby~~

3 (E) TO the value of fish and game. ~~is or may be destroyed or~~  
4 ~~impaired.~~

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

17 (3) Unless authorized by a permit, order, or rule of the  
18 department, the discharge into the waters of this state of any  
19 medical waste, as defined in part 138 of the public health code,  
20 ~~Act No. 368 of the Public Acts of 1978, being sections 333.13801 to~~  
21 ~~333.13831 of the Michigan Compiled Laws~~ 1978 PA 368, MCL 333.13801  
22 TO 333.13831, is prima facie evidence of a violation of this part  
23 and subjects the responsible person to the penalties prescribed in  
24 section 3115.

25 (4) UNLESS A DISCHARGE IS AUTHORIZED BY A PERMIT, ORDER, OR  
26 RULE OF THE DEPARTMENT, THE DISCHARGE INTO THE WATERS OF THIS STATE  
27 FROM AN OCEANGOING VESSEL OF ANY BALLAST WATER IS PRIMA FACIE

1 EVIDENCE OF A VIOLATION OF THIS PART AND SUBJECTS THE RESPONSIBLE  
2 PERSON TO THE PENALTIES PRESCRIBED IN SECTION 3115.

3 (5) ~~—(4)—~~ A violation of this section is prima facie evidence  
4 of the existence of a public nuisance and in addition to the  
5 remedies provided for in this part may be abated according to law  
6 in an action brought by the attorney general in a court of  
7 competent jurisdiction.

8 Enacting section 1. This amendatory act does not take effect  
9 unless Senate Bill No. 332 of the 93rd Legislature is enacted into  
10 law.