

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

House Bill No. 4603 as amended May 18, 2005

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.

<<Enacting section 1. This amendatory act takes effect January 1,
2007.>>

8 Enacting section <<2>>. This amendatory act does not take effect
9 unless Senate Bill No. 332 of the 93rd Legislature is enacted into
10 law.