

# HOUSE BILL No. 4860

June 2, 2005, Introduced by Reps. Elsenheimer and Palsrok and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

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

1 plants or to ~~the growth, propagation, or the~~ **THEIR** growth or  
 2 propagation. ~~thereof be prevented or injuriously affected; or~~  
 3 ~~whereby~~

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

6 (2) The discharge of any raw sewage of human origin, directly  
 7 or indirectly, into any of the waters of the state shall be  
 8 considered prima facie evidence of a violation of this part by the  
 9 municipality in which the discharge originated unless the discharge  
 10 is permitted by an order or rule of the department. If the  
 11 discharge is not the subject of a valid permit issued by the  
 12 department, a municipality responsible for the discharge may be  
 13 subject to the remedies provided in section 3115. If the discharge  
 14 is the subject of a valid permit issued by the department pursuant  
 15 to section 3112, and is in violation of that permit, a municipality  
 16 responsible for the discharge is subject to the penalties  
 17 prescribed in section 3115. **HOWEVER, A MUNICIPALITY IS NOT SUBJECT**  
 18 **TO PENALTIES OR REMEDIES UNDER THIS PART IF THE VIOLATION WAS**  
 19 **CAUSED BY AN UNAUTHORIZED DISCHARGE BY A PERSON OTHER THAN THE**  
 20 **MUNICIPALITY UNLESS THE MUNICIPALITY HAS OTHERWISE ASSUMED**  
 21 **RESPONSIBILITY FOR THE DISCHARGE.**

22 (3) Unless authorized by a permit, order, or rule of the  
 23 department, the discharge into the waters of this state of any  
 24 medical waste ~~— as defined in part 138 of the public health~~  
 25 ~~code, Act No. 368 of the Public Acts of 1978, being sections~~  
 26 ~~333.13801 to 333.13831 of the Michigan Compiled Laws~~ **SECTION 13805**  
 27 **OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.13805,** is prima

1 facie evidence of a violation of this part and subjects the  
2 responsible person to the penalties prescribed in section 3115.

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