

Act No. 32
Public Acts of 2005
Approved by the Governor
June 2, 2005
Filed with the Secretary of State
June 6, 2005
EFFECTIVE DATE: January 1, 2007

STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005

Introduced by Reps. Palsrok, Pavlov, Moore, Farhat, Meyer, Elsenheimer, Walker, Taub, Shaffer, Proos, Huizenga, McConico, Plakas, Anderson, Stewart, Zelenko, Kolb, Lipsey, Kooiman, Newell, Vander Veen, Williams, Adamini, Brown, Farrah, Pastor, LaJoy, Kathleen Law, Bieda, Wojno, Acciavatti, Clack, Vagnozzi, Accavitti, Stakoe, Gleason, Nofs, Wenke, Ward, Byrum, Sak, Stahl, Gillard, Dillon, Angerer, Ball, Bennett, Booher, Byrnes, Caul, Clemente, Cushingberry, Donigan, Espinoza, Hansen, Hildenbrand, Jones, Kehrl, Lemmons, III, Lemmons, Jr., Marleau, Mayes, McDowell, Miller, Mortimer, Palmer, Pearce, Polidori, Rocca, Schuitmaker, Sheltroun, Alma Smith, Spade and Murphy

ENROLLED HOUSE BILL No. 4603

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 3109 (MCL 324.3109).

The People of the State of Michigan enact:

Sec. 3109. (1) A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to any of the following:

- (a) To the public health, safety, or welfare.
- (b) To domestic, commercial, industrial, agricultural, recreational, or other uses that are being made or may be made of such waters.
- (c) To the value or utility of riparian lands.
- (d) To livestock, wild animals, birds, fish, aquatic life, or plants or to their growth or propagation.
- (e) To the value of fish and game.

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

(3) Unless authorized by a permit, order, or rule of the department, the discharge into the waters of this state of any medical waste, as defined in part 138 of the public health code, 1978 PA 368, MCL 333.13801 to 333.13831, is prima facie evidence of a violation of this part and subjects the responsible person to the penalties prescribed in section 3115.

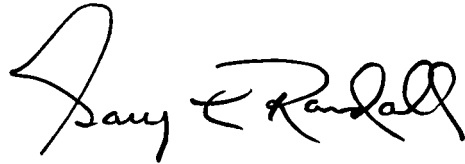
(4) Unless a discharge is authorized by a permit, order, or rule of the department, the discharge into the waters of this state from an oceangoing vessel of any ballast water is prima facie evidence of a violation of this part and subjects the responsible person to the penalties prescribed in section 3115.

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

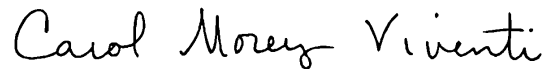
Enacting section 1. This amendatory act takes effect January 1, 2007.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor