SENATE BILL No. 753

February 5, 2014, Introduced by Senators CASWELL, PAPPAGEORGE, CASPERSON and GREEN and referred to the Committee on Local Government and Elections.

A bill to amend 1994 PA 451, entitled

"Natural resources and environmental protection act,"

by amending section 3109 (MCL 324.3109), as amended by 2005 PA 241.

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 their growth or propagation.

1   (e) To the value of fish and game.

2   (2) The discharge of any raw sewage of human origin, directly

3 or indirectly, into any of the waters of the state shall be

4 considered prima facie evidence of a violation of this part by the

5 municipality in which the discharge originated unless the discharge

6 is permitted by an order or rule of the department. If the

7 discharge is not the subject of a valid permit issued by the

8 department, a municipality responsible for the discharge may be

9 subject to the remedies provided in section 3115. If the discharge

10 is the subject of a valid permit issued by the department pursuant

11 to section 3112, and is in violation of that permit, a municipality

12 responsible for the discharge is subject to the penalties

13 prescribed in section 3115.

14   (3) Notwithstanding subsection (2), a municipality is not

15 responsible or subject to the remedies **OR PENALTIES** provided in

16 section 3115 ~~for~~ **UNDER EITHER OF THE FOLLOWING CIRCUMSTANCES:**

17   **(A) THE DISCHARGE IS** an unauthorized discharge from a sewerage

18 system as defined in section 4101 that is permitted under this part

19 and owned by a party other than the municipality, unless the

20 municipality has accepted responsibility in writing for the

21 sewerage system and, with respect to the civil fine and penalty

22 under section 3115, the municipality has been notified in writing

23 by the department of its responsibility for the sewerage system.

24   **(B) THE DISCHARGE IS FROM 3 OR FEWER ON-SITE WASTEWATER**

25 **TREATMENT SYSTEMS.**

26   (4) Unless authorized by a permit, order, or rule of the

27 department, the discharge into the waters of this state of any

1 medical waste, as defined in part 138 of the public health code,

2 1978 PA 368, MCL 333.13801 to ~~333.13831,~~ **333.13832,** is prima facie

3 evidence of a violation of this part and subjects the responsible

4 person to the penalties prescribed in section 3115.

5   (5) ~~Beginning January 1, 2007, unless~~ **UNLESS** a discharge is

6 authorized by a permit, order, or rule of the department, the

7 discharge into the waters of this state from an oceangoing vessel

8 of any ballast water is prima facie evidence of a violation of this

9 part and subjects the responsible person to the penalties

10 prescribed in section 3115.

11   (6) A violation of this section is prima facie evidence of the

12 existence of a public nuisance and in addition to the remedies

13 provided for in this part may be abated according to law in an

14 action brought by the attorney general in a court of competent

15 jurisdiction.

16   **(7) AS USED IN THIS SECTION, "ON-SITE WASTEWATER TREATMENT**

17 **SYSTEM" MEANS A SYSTEM OF COMPONENTS, OTHER THAN A SEWERAGE SYSTEM**

18 **AS DEFINED IN SECTION 4101, USED TO COLLECT AND TREAT SANITARY**

19 **SEWAGE OR DOMESTIC EQUIVALENT WASTEWATER FROM 1 OR MORE DWELLINGS,**

20 **BUILDINGS, OR STRUCTURES AND DISCHARGE THE RESULTING EFFLUENT TO A**

21 **SOIL DISPERSAL SYSTEM ON PROPERTY OWNED BY OR UNDER THE CONTROL OF**

22 **THE SAME INDIVIDUAL OR ENTITY THAT OWNS OR CONTROLS THE DWELLINGS,**

23 **BUILDINGS, OR STRUCTURES.**