

HOUSE BILL No. 5198

December 17, 2015, Introduced by Rep. Chatfield and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3101, 3103, 3111b, and 3115 (MCL 324.3101, 324.3103, 324.3111b, and 324.3115), section 3101 as amended by 2006 PA 97, section 3103 as amended by 2005 PA 33, section 3111b as added by 2004 PA 142, and section 3115 as amended by 2004 PA 143, and by adding sections 3111c, 3111d, 3111e, 3115b, and 3135.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3101. As used in this part:

2 (a) "Aquatic nuisance species" means a nonindigenous species
3 that threatens the diversity or abundance of native species or the
4 ecological stability of infested waters, or commercial,
5 agricultural, aquacultural, or recreational activities dependent on
6 such waters.

1 (b) "Ballast water" means water and associated solids taken on
2 board a vessel to control or maintain trim, draft, stability, or
3 stresses on the vessel, without regard to the manner in which it is
4 carried.

5 (c) "Ballast water treatment method" means a method of
6 treating ballast water and sediments to remove or destroy living
7 biological organisms through 1 or more of the following:

8 (i) Filtration.

9 (ii) The application of biocides or ultraviolet light.

10 (iii) Thermal methods.

11 (iv) Other treatment techniques approved by the department.

12 (d) "Department" means the department of environmental
13 quality.

14 (e) "Detroit consumer price index" means the most
15 comprehensive index of consumer prices available for the Detroit
16 area from the United States ~~department of labor, bureau of labor~~
17 ~~statistics.~~ **DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS.**

18 (f) "Emergency management coordinator" means that term as
19 defined in section 2 of the emergency management act, 1976 PA 390,
20 MCL 30.402.

21 (g) "Great Lakes" means the Great Lakes and their connecting
22 waters, including Lake St. Clair.

23 (h) "Group 1 facility" means a facility whose discharge is
24 described by R 323.2218 of the Michigan administrative code.

25 (i) "Group 2 facility" means a facility whose discharge is
26 described by R 323.2210(y), R 323.2215, or R 323.2216 of the
27 Michigan administrative code.

1 (j) "Group 3 facility" means a facility whose discharge is
2 described by R 323.2211 or R 323.2213 of the Michigan
3 administrative code.

4 (k) "Local health department" means that term as defined in
5 section 1105 of the public health code, 1978 PA 368, MCL 333.1105.

6 (l) "Local unit" means a county, city, village, or township or
7 an agency or instrumentality of any of these entities.

8 (m) "Municipality" means this state, a county, city, village,
9 or township, or an agency or instrumentality of any of these
10 entities.

11 (n) "National response center" means the national
12 communications center established under the clean water act, 33 USC
13 1251 to 1387, located in Washington, DC, that receives and relays
14 notice of oil discharge or releases of hazardous substances to
15 appropriate federal officials.

16 (o) "Nonocean-going vessel" means a vessel that is not an
17 ocean-going vessel.

18 (p) "Ocean-going vessel" means a vessel that operates on the
19 Great Lakes or the St. Lawrence waterway after operating in waters
20 outside of the Great Lakes or the St. Lawrence waterway.

21 (Q) "OIL" MEANS OIL OF ANY KIND AND IN ANY FORM, INCLUDING
22 PETROLEUM, FUEL OIL, SLUDGE, OIL REFUSE, AND OIL MIXED WITH WASTES
23 OTHER THAN DREDGED SPOIL, BUT DOES NOT INCLUDE ANY SUBSTANCE THAT
24 IS SPECIFICALLY LISTED OR DESIGNATED AS A HAZARDOUS SUBSTANCE UNDER
25 42 USC 9601(14)(A) TO (F), AND THAT IS SUBJECT TO THE PROVISIONS OF
26 THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND
27 LIABILITY ACT, 42 USC 9601 TO 9675.

1 (R) "OIL FACILITY" MEANS A STRUCTURE, GROUP OF STRUCTURES,
2 EQUIPMENT, OR DEVICE, OTHER THAN A VESSEL, THAT IS USED FOR 1 OR
3 MORE OF THE FOLLOWING PURPOSES: EXPLORING FOR, DRILLING FOR,
4 PRODUCING, STORING, HANDLING, TRANSFERRING, PROCESSING, OR
5 TRANSPORTING OIL. OIL FACILITY INCLUDES ANY MOTOR VEHICLE, ROLLING
6 STOCK, OR PIPELINE USED FOR 1 OR MORE OF THE PURPOSES DESCRIBED IN
7 THIS SUBDIVISION.

8 (S) "OIL TRANSPORTATION PIPELINE" MEANS AN INTRASTATE PIPELINE
9 OR PORTION OF AN INTERSTATE PIPELINE USED TO TRANSPORT OIL WITHIN
10 THIS STATE AND INCLUDES APPURTENANCES TO THE PIPELINE, BUT DOES NOT
11 INCLUDE A PIPELINE USED TO PRODUCE AND GATHER OIL FROM THE POINT OF
12 PRODUCTION, OR A PIPELINE LOCATED ENTIRELY WITHIN A STORAGE,
13 PROCESSING, REFINING, MANUFACTURING, TREATMENT, OR DISPOSAL
14 FACILITY.

15 (T) ~~(q)~~—"Open water disposal of contaminated dredge materials"
16 means the placement of dredge materials contaminated with toxic
17 substances as defined in R 323.1205 of the Michigan administrative
18 code into the open waters of the waters of the state but does not
19 include the siting or use of a confined disposal facility
20 designated by the United States army corps of engineers or beach
21 nourishment activities utilizing uncontaminated materials.

22 (U) ~~(r)~~—"Primary public safety answering point" means that
23 term as defined in section 102 of the emergency telephone service
24 enabling act, 1986 PA 32, MCL 484.1102.

25 (V) "PUBLIC VESSEL" MEANS A VESSEL OWNED OR BAREBOAT CHARTERED
26 AND OPERATED BY THE UNITED STATES, OR BY A STATE OR A POLITICAL
27 SUBDIVISION OF A STATE, OR BY A FOREIGN NATION, EXCEPT WHEN THE

1 VESSEL IS ENGAGED IN COMMERCE.

2 (W) "RELEASE" INCLUDES, BUT IS NOT LIMITED TO, ANY SPILLING,
3 LEAKING, PUMPING, POURING, EMITTING, EMPTYING, DISCHARGING,
4 INJECTING, ESCAPING, LEACHING, DUMPING, OR DISPOSING OF OIL INTO
5 THE ENVIRONMENT, OR THE ABANDONMENT OF A FACILITY OR VESSEL
6 CONTAINING OIL FROM WHICH OIL MAY ENTER THE ENVIRONMENT.

7 (X) ~~(s)~~—"Sediments" means any matter settled out of ballast
8 water within a vessel.

9 (Y) ~~(t)~~—"Sewage sludge" means sewage sludge generated in the
10 treatment of domestic sewage, other than only septage or industrial
11 waste.

12 (Z) ~~(u)~~—"Sewage sludge derivative" means a product for land
13 application derived from sewage sludge that does not include solid
14 waste or other waste regulated under this act.

15 (AA) ~~(v)~~—"Sewage sludge generator" means a person who
16 generates sewage sludge that is applied to land.

17 (BB) ~~(w)~~—"Sewage sludge distributor" means a person who
18 applies, markets, or distributes, except at retail, a sewage sludge
19 derivative.

20 (CC) ~~(x)~~—"St. Lawrence waterway" means the St. Lawrence river,
21 the St. Lawrence seaway, and the gulf of St. Lawrence.

22 (DD) ~~(y)~~—"Threshold reporting quantity" means that term as
23 defined in R 324.2002 of the Michigan administrative code.

24 (EE) "VESSEL" MEANS EVERY DESCRIPTION OF WATERCRAFT OR OTHER
25 ARTIFICIAL CONTRIVANCE USED, OR CAPABLE OF BEING USED, AS A MEANS
26 OF TRANSPORTATION ON WATER, OTHER THAN A PUBLIC VESSEL.

27 (FF) ~~(z)~~—"Waters of the state" means groundwaters, lakes,

1 rivers, and streams and all other watercourses and waters,
2 including the Great Lakes, within the jurisdiction of this state.

3 Sec. 3103. (1) The department shall protect and conserve the
4 water resources of the state and shall have control of the
5 pollution of surface or underground waters of the state and the
6 Great Lakes, which are or may be affected by waste disposal of any
7 person. The department may make or cause to be made surveys,
8 studies, and investigations of the uses of waters of the state,
9 both surface and underground, and cooperate with other governments
10 and governmental units and agencies in making the surveys, studies,
11 and investigations. The department shall assist in an advisory
12 capacity a flood control district that may be authorized by the
13 legislature. The department, in the public interest, shall appear
14 and present evidence, reports, and other testimony during the
15 hearings involving the creation and organization of flood control
16 districts. The department shall advise and consult with the
17 legislature on the obligation of the state to participate in the
18 costs of construction and maintenance as provided for in the
19 official plans of a flood control district or intercounty drainage
20 district.

21 (2) The department shall enforce this part and may promulgate
22 rules as it considers necessary to carry out its duties under this
23 part. However, notwithstanding any rule-promulgation authority that
24 is provided in this part, except for rules authorized under ~~section~~
25 **SECTIONS 3112(6), 3111D, AND 3111E**, the department shall not
26 promulgate any additional rules under this part after December 31,
27 2006.

1 (3) The department may promulgate rules and take other actions
2 as may be necessary to comply with the federal water pollution
3 control act, 33 USC 1251 to 1387, and to expend funds available
4 under such law for extension or improvement of the state or
5 interstate program for prevention and control of water pollution.
6 This part shall not be construed as authorizing the department to
7 expend or to incur any obligation to expend any state funds for
8 ~~such~~**THAT** purpose in excess of any amount that is appropriated by
9 the legislature.

10 (4) Notwithstanding the limitations on rule promulgation under
11 subsection (2), rules promulgated under this part before January 1,
12 2007 ~~shall~~ remain in effect unless rescinded.

13 Sec. 3111b. (1) If a person is required to report a release to
14 the department under part 5 of the water resources protection
15 rules, R 324.2001 to R 324.2009 of the Michigan administrative
16 code, **OR SECTION 3111C**, the person, via a 9-1-1 call, shall at the
17 same time report the release to the primary public safety answering
18 point serving the jurisdiction where the release occurred.

19 (2) If a person described in subsection (1) is required to
20 subsequently submit to the department a written report on the
21 release under part 5 of the water resources protection rules, R
22 324.2001 to R 324.2009 of the Michigan administrative code, **OR**
23 **SECTION 3111C**, the person shall at the same time submit a copy of
24 the report to the local health department serving the jurisdiction
25 where the release occurred.

26 (3) If the department of state police or other state agency
27 receives notification, pursuant to an agreement with or the laws of

1 another state, Canada, or the province of Ontario, of the release
2 in that other jurisdiction of a polluting material in excess of the
3 threshold reporting quantity and if the polluting material has
4 entered or may enter surface waters or groundwaters of this state,
5 the department of state police or other state agency shall contact
6 the primary public safety answering point serving each county that
7 may be affected by the release.

8 (4) The emergency management coordinator of each county shall
9 develop and oversee the implementation of a plan to provide timely
10 notification of a release required to be reported under subsection
11 (1) or (3) to appropriate local, state, and federal agencies. In
12 developing and overseeing the implementation of the plan, the
13 emergency management coordinator shall consult with both of the
14 following:

15 (a) The directors of the primary public safety answering
16 points with jurisdiction within the county.

17 (b) Any emergency management coordinator appointed for a city,
18 village, or township located in that county.

19 (5) If rules promulgated under this part require a person to
20 maintain a pollution incident prevention plan, the person shall
21 update the plan to include the requirements of subsections (1) and
22 (2) when conducting any evaluation of the plan required by rule.

23 (6) If a person reports to the department a release pursuant
24 to subsection (1), the department shall do both of the following:

25 (a) Notify the person of the requirements imposed under
26 subsections (1) and (2).

27 (b) Request that the person, even if not responsible for the

1 release, report the release, via a 9-1-1 call, to the primary
2 public safety answering point serving 1 of the following, as
3 applicable:

4 (i) The jurisdiction where the release occurred, if known.

5 (ii) The jurisdiction where the release was discovered, if the
6 jurisdiction where the release occurred is not known.

7 (7) The department shall notify the public and interested
8 parties, by posting on its website ~~within 30 days after the~~
9 ~~effective date of the amendatory act that added this section~~ and by
10 other appropriate means, of all of the following:

11 (a) The requirements of subsections (1) and (2).

12 (b) The relevant voice, and, if applicable, facsimile
13 telephone numbers of the department and the national response
14 center.

15 (c) The criminal and civil sanctions under section 3115
16 applicable to violations of subsections (1) and (2).

17 (8) Failure of the department to provide a person with the
18 notification required under subsection (6) or (7) does not relieve
19 the person of any obligation to report a release or other legal
20 obligation.

21 (9) The department shall biennially do both of the following:

22 (a) Evaluate the state and local reporting system established
23 under this section.

24 (b) Submit to the standing committees of the senate and house
25 of representatives with primary responsibility for environmental
26 protection issues a written report on any changes recommended to
27 the reporting system.

1 SEC. 3111C. (1) A PERSON THAT IS AN OWNER, OPERATOR, OR
2 MANAGER OF AN OIL TRANSPORTATION PIPELINE FROM WHICH A RELEASE
3 OCCURS, AND A PERSON WHO CAUSES SUCH A RELEASE, SHALL IMMEDIATELY
4 NOTIFY THE DEPARTMENT OF THE RELEASE BY CONTACTING THE DEPARTMENT'S
5 POLLUTION EMERGENCY ALERT SYSTEM OR OTHER MEANS REQUIRED BY THE
6 DEPARTMENT.

7 (2) WITHIN 10 DAYS AFTER A RELEASE, OR A SHORTER PERIOD
8 REQUIRED BY THE DEPARTMENT, A PERSON REQUIRED TO REPORT A RELEASE
9 UNDER SUBSECTION (1) SHALL SUBMIT AN INITIAL WRITTEN REPORT TO THE
10 DEPARTMENT OUTLINING THE CAUSE OF THE RELEASE, DISCOVERY OF THE
11 RELEASE, AND THE RESPONSE MEASURES TAKEN, OR A SCHEDULE FOR
12 COMPLETION OF MEASURES TO BE TAKEN, OR BOTH, TO PREVENT RECURRENCE
13 OF SIMILAR RELEASES.

14 (3) THIS SECTION DOES NOT DO EITHER OF THE FOLLOWING:

15 (A) ALTER ANY OTHER EXISTING STATUTE, RULE, OR REQUIREMENT
16 PERTAINING TO OIL TRANSPORTATION PIPELINES OR POLLUTION OF WATERS
17 OF THE STATE.

18 (B) RELIEVE ANY PERSON FROM ANY REPORTING REQUIREMENT IMPOSED
19 UNDER STATE OR FEDERAL LAW OR REGULATION.

20 SEC. 3111D. (1) THE OWNER OR OPERATOR OF AN OIL TRANSPORTATION
21 PIPELINE SHALL PREPARE AND SUBMIT TO THE DEPARTMENT FOR REVIEW AND
22 APPROVAL A SPILL PREVENTION PLAN IN CONFORMANCE WITH THIS SECTION
23 AND THE RULES PROMULGATED UNDER THIS SECTION.

24 (2) AN INITIAL SPILL PREVENTION PLAN SHALL BE SUBMITTED TO THE
25 DEPARTMENT NOT LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THE
26 AMENDATORY ACT THAT ADDED THIS SECTION. A SPILL PREVENTION PLAN MAY
27 BE CONSOLIDATED WITH A CONTINGENCY PLAN SUBMITTED UNDER SECTION

1 3111E. THE DEPARTMENT MAY ACCEPT PLANS PREPARED TO COMPLY WITH
2 OTHER STATE OR FEDERAL LAW AS SPILL PREVENTION PLANS TO THE EXTENT
3 THOSE PLANS COMPLY WITH THIS SECTION. THE DEPARTMENT, BY RULE, MAY
4 ESTABLISH ADDITIONAL STANDARDS FOR SPILL PREVENTION PLANS.

5 (3) AS AN INTERIM MEASURE, THE OWNER OR OPERATOR OF AN OIL
6 TRANSPORTATION PIPELINE SHALL, NOT LATER THAN 30 DAYS AFTER THE
7 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION,
8 SUBMIT TO THE DEPARTMENT A COPY OF EACH EXISTING SPILL PREVENTION
9 PLAN OR PROCEDURE USED TO PREVENT SPILLS FROM THE PIPELINE.

10 (4) A SPILL PREVENTION PLAN FOR AN OIL TRANSPORTATION PIPELINE
11 REQUIRED UNDER THIS SECTION SHALL, AT A MINIMUM, INCLUDE ALL OF THE
12 FOLLOWING:

13 (A) DOCUMENTATION OF COMPLIANCE WITH THE OIL POLLUTION ACT OF
14 1990, 33 USC 2701 TO 2762, AND FINANCIAL RESPONSIBILITY
15 REQUIREMENTS UNDER FEDERAL AND STATE LAW.

16 (B) A CERTIFICATION THAT SUPERVISORY AND OTHER KEY PERSONNEL
17 IN CHARGE OF THE PIPELINE HAVE BEEN PROPERLY TRAINED.

18 (C) A CERTIFICATION THAT THE PIPELINE HAS AN OPERATIONS
19 MANUAL.

20 (D) A CERTIFICATION OF THE IMPLEMENTATION OF ALCOHOL AND DRUG
21 USE AWARENESS PROGRAMS FOR PERSONNEL IN CHARGE OF THE PIPELINE.

22 (E) A DESCRIPTION OF THE PIPELINE'S MAINTENANCE AND INSPECTION
23 PROGRAM AND THE CURRENT MAINTENANCE AND INSPECTION RECORD OF THE
24 PIPELINE.

25 (F) A DESCRIPTION OF THE SPILL PREVENTION TECHNOLOGY THAT HAS
26 BEEN INSTALLED, INCLUDING LEAK DETECTION SYSTEMS AND ALARMS, AND
27 AUTOMATIC SHUT-OFF VALVES, WITH A MAP OR OTHER FIGURE ACCURATELY

1 DEPICTING THE LOCATIONS OF THE SPILL PREVENTION TECHNOLOGY.

2 (G) A DESCRIPTION OF ANY RELEASES OF OIL FROM THE PIPELINE TO
3 THE LAND OR THE WATERS OF THE STATE IN THE PRIOR 5 YEARS AND THE
4 MEASURES TAKEN TO PREVENT A REOCCURRENCE.

5 (H) PROVISIONS FOR THE INCORPORATION INTO THE PIPELINE DURING
6 THE PERIOD COVERED BY THE PLAN OF IDENTIFIED MEASURES THAT WILL
7 PROVIDE THE BEST ACHIEVABLE PROTECTION FOR THE PUBLIC HEALTH AND
8 THE ENVIRONMENT, WITH A SCHEDULE FOR IMPLEMENTATION.

9 (I) ANY OTHER INFORMATION REASONABLY NECESSARY TO CARRY OUT
10 THE PURPOSES OF THIS SECTION AS REQUIRED BY RULES PROMULGATED BY
11 THE DEPARTMENT.

12 (5) TO SUPPORT THE DEPARTMENT'S ADMINISTRATION OF THIS
13 SECTION, AN OWNER OR OPERATOR AT AN OIL TRANSPORTATION PIPELINE
14 THAT SUBMITS A SPILL PREVENTION PLAN FOR DEPARTMENTAL REVIEW AND
15 APPROVAL SHALL SUBMIT WITH THE SPILL PREVENTION PLAN A REVIEW FEE
16 OF \$12,500.00 FOR EACH GEOGRAPHIC PLAN AREA OR SUB-AREA ESTABLISHED
17 BY THE UNITED STATES COAST GUARD AND THE UNITED STATES
18 ENVIRONMENTAL PROTECTION AGENCY THAT IS COVERED IN THE SPILL
19 PREVENTION PLAN. BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE
20 AMENDATORY ACT THAT ADDED THIS SECTION, THE STATE TREASURER SHALL
21 ANNUALLY ADJUST THE FEE UNDER THIS SUBSECTION FOR INFLATION BASED
22 UPON CHANGES IN THE DETROIT CONSUMER PRICE INDEX IN THE PRECEDING
23 YEAR. FEES COLLECTED UNDER THIS SUBSECTION SHALL BE FORWARDED TO
24 THE STATE TREASURER FOR DEPOSIT INTO THE OIL TRANSPORTATION FUND
25 CREATED IN SECTION 3135.

26 (6) THE DEPARTMENT SHALL APPROVE A SPILL PREVENTION PLAN ONLY
27 IF THE PLAN PROVIDES THE BEST ACHIEVABLE PROTECTION FROM SPILL

1 DAMAGES CAUSED BY THE DISCHARGE OF OIL INTO THE WATERS OF THE STATE
2 AND IF THE DEPARTMENT DETERMINES THAT THE PLAN MEETS THE
3 REQUIREMENTS OF THIS SECTION AND RULES PROMULGATED BY THE
4 DEPARTMENT.

5 (7) IF THE DEPARTMENT FINDS THAT THE SPILL PREVENTION PLAN
6 SUBMITTED UNDER THIS SECTION DOES NOT MEET THE REQUIREMENTS OF THIS
7 SECTION AND ANY APPLICABLE RULES PROMULGATED BY THE DEPARTMENT, THE
8 DEPARTMENT SHALL NOTIFY THE OWNER OR OPERATOR OF THE OIL
9 TRANSPORTATION PIPELINE OF ITS FINDINGS IN WRITING, IDENTIFYING THE
10 PROVISIONS OF THE PLAN THAT ARE INCOMPLETE OR INADEQUATE. THE OWNER
11 OR OPERATOR SHALL MODIFY THE SPILL PREVENTION PLAN AND RESUBMIT AN
12 APPROVABLE PLAN TO THE DEPARTMENT WITHIN 30 DAYS AFTER THE
13 DEPARTMENT'S NOTIFICATION, UNLESS THE DEPARTMENT AUTHORIZES, IN
14 WRITING, A LONGER RESPONSE PERIOD.

15 (8) UPON APPROVAL OF A SPILL PREVENTION PLAN, THE DEPARTMENT
16 SHALL PROVIDE TO THE OWNER OR OPERATOR OF THE OIL TRANSPORTATION
17 PIPELINE SUBMITTING THE PLAN A STATEMENT INDICATING THAT THE PLAN
18 HAS BEEN APPROVED, THE OIL FACILITIES COVERED BY THE PLAN, AND
19 OTHER INFORMATION THE DEPARTMENT DETERMINES SHOULD BE INCLUDED.

20 (9) A SPILL PREVENTION PLAN APPROVED UNDER THIS SECTION IS
21 VALID FOR 5 YEARS. AN OWNER OR OPERATOR OF AN OIL TRANSPORTATION
22 PIPELINE SHALL NOTIFY THE DEPARTMENT IN WRITING IMMEDIATELY OF ANY
23 SIGNIFICANT CHANGE OF WHICH THE OWNER OR OPERATOR IS AWARE
24 AFFECTING THE SPILL PREVENTION PLAN, INCLUDING CHANGES IN ANY
25 FACTOR SET FORTH IN THIS SECTION OR IN RULES PROMULGATED BY THE
26 DEPARTMENT. THE DEPARTMENT MAY REQUIRE THE OWNER OR OPERATOR TO
27 UPDATE A SPILL PREVENTION PLAN AS A RESULT OF THE CHANGES

1 IDENTIFIED IN THE NOTIFICATION FROM THE OWNER OR OPERATOR, OR IF
2 THE DEPARTMENT INDEPENDENTLY IDENTIFIES CHANGED CIRCUMSTANCES
3 WARRANTING AN UPDATE.

4 (10) THE OWNER OR OPERATOR OF AN OIL TRANSPORTATION PIPELINE
5 SHALL REVIEW, UPDATE, IF NECESSARY, AND RESUBMIT THE SPILL
6 PREVENTION PLAN TO THE DEPARTMENT AT LEAST ONCE EVERY 5 YEARS OR
7 WITHIN 60 DAYS AFTER RECEIPT OF A REQUEST FROM THE DEPARTMENT.

8 (11) APPROVAL OF A SPILL PREVENTION PLAN BY THE DEPARTMENT
9 DOES NOT CONSTITUTE AN ASSURANCE REGARDING THE ADEQUACY OF THE PLAN
10 OR CONSTITUTE A DEFENSE TO LIABILITY IMPOSED UNDER THIS PART OR
11 OTHER STATE LAW.

12 SEC. 3111E. (1) THE OWNER OR OPERATOR OF AN OIL TRANSPORTATION
13 PIPELINE SHALL SUBMIT TO THE DEPARTMENT FOR REVIEW AND APPROVAL A
14 CONTINGENCY PLAN FOR THE CONTAINMENT AND CLEANUP OF OIL SPILLS FROM
15 THE PIPELINE INTO THE WATERS OF THE STATE AND FOR THE PROTECTION OF
16 FISHERIES AND WILDLIFE, NATURAL RESOURCES, AND PUBLIC AND PRIVATE
17 PROPERTY FROM SUCH SPILLS IN CONFORMANCE WITH THIS SECTION AND THE
18 RULES PROMULGATED UNDER THIS SECTION.

19 (2) THE OWNER OR OPERATOR OF AN OIL TRANSPORTATION PIPELINE
20 SHALL SUBMIT AN INITIAL CONTINGENCY PLAN TO THE DEPARTMENT NOT
21 LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
22 THAT ADDED THIS SECTION. THE CONTINGENCY PLAN MAY BE CONSOLIDATED
23 WITH A SPILL PREVENTION PLAN SUBMITTED UNDER SECTION 3111D. THE
24 DEPARTMENT MAY ACCEPT PLANS PREPARED TO COMPLY WITH OTHER STATE OR
25 FEDERAL LAW AS CONTINGENCY OR RESPONSE PLANS TO THE EXTENT THOSE
26 PLANS COMPLY WITH THIS SECTION. THE DEPARTMENT, BY RULE, MAY
27 ESTABLISH ADDITIONAL STANDARDS FOR CONTINGENCY PLANS.

1 (3) AS AN INTERIM MEASURE, THE OWNER OR OPERATOR OF AN OIL
2 TRANSPORTATION PIPELINE SHALL, NOT LATER THAN 30 DAYS AFTER THE
3 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION,
4 SUBMIT TO THE DEPARTMENT A COPY OF EACH EXISTING CONTINGENCY OR
5 SPILL RESPONSE PLAN ESTABLISHED FOR THE PIPELINE.

6 (4) A CONTINGENCY PLAN REQUIRED UNDER THIS SECTION SHALL BE
7 DESIGNED TO BE CAPABLE IN TERMS OF PERSONNEL, MATERIALS, AND
8 EQUIPMENT, OF PROMPTLY AND PROPERLY, TO THE MAXIMUM EXTENT
9 PRACTICABLE, REMOVING OIL AND MINIMIZING ANY DAMAGE TO THE
10 ENVIRONMENT RESULTING FROM A WORST-CASE SPILL AND AT A MINIMUM
11 SHALL INCLUDE ALL OF THE FOLLOWING:

12 (A) FULL DETAILS OF THE METHOD OF RESPONSE TO SPILLS OF
13 VARIOUS SIZES FROM ANY OIL FACILITY THAT IS COVERED BY THE PLAN.

14 (B) A CLEAR, PRECISE, AND DETAILED DESCRIPTION OF HOW THE PLAN
15 RELATES TO, AND IS INTEGRATED INTO, RELEVANT CONTINGENCY PLANS THAT
16 HAVE BEEN PREPARED OR APPROVED BY THIS STATE AND THE FEDERAL
17 GOVERNMENT.

18 (C) PROCEDURES FOR EARLY DETECTION OF OIL SPILLS AND TIMELY
19 NOTIFICATION OF OIL SPILLS TO APPROPRIATE FEDERAL, STATE, AND LOCAL
20 AUTHORITIES UNDER APPLICABLE STATE AND FEDERAL LAW.

21 (D) THE NUMBER, TRAINING PREPAREDNESS, AND QUALIFICATIONS OF
22 ALL DEDICATED, PREPOSITIONED PERSONNEL ASSIGNED TO DIRECT AND
23 IMPLEMENT THE PLAN.

24 (E) PROVISIONS FOR PERIODIC TRAINING AND DRILL PROGRAMS TO
25 EVALUATE WHETHER PERSONNEL AND EQUIPMENT PROVIDED UNDER THE PLAN
26 ARE IN A STATE OF OPERATIONAL READINESS AT ALL TIMES.

27 (F) A DESCRIPTION OF IMPORTANT FEATURES OF THE SURROUNDING

1 ENVIRONMENT, INCLUDING, BUT NOT LIMITED TO, WATER CROSSINGS, FISH
2 AND WILDLIFE HABITAT, OTHER ENVIRONMENTALLY SENSITIVE AREAS, PUBLIC
3 FACILITIES, AND WATER SUPPLY INTAKES.

4 (G) A DESCRIPTION OF THE MEANS OF PROTECTING AND MITIGATING
5 EFFECTS ON THE ENVIRONMENT, INCLUDING FISH, AQUATIC LIFE, AND OTHER
6 WILDLIFE, AND ENSURE THAT IMPLEMENTATION OF THE PLAN DOES NOT POSE
7 UNACCEPTABLE RISKS TO THE PUBLIC OR THE ENVIRONMENT.

8 (H) PROVISIONS FOR ARRANGEMENTS FOR THE PREPOSITIONING OF OIL
9 SPILL CONTAINMENT AND CLEANUP EQUIPMENT AND TRAINED PERSONNEL AT
10 STRATEGIC LOCATIONS FROM WHICH THEY CAN BE DEPLOYED TO THE SPILL
11 SITE TO PROMPTLY AND PROPERLY REMOVE THE SPILLED OIL.

12 (I) PROVISIONS FOR ARRANGEMENTS FOR ENLISTING THE USE OF
13 QUALIFIED AND TRAINED CLEANUP PERSONNEL TO IMPLEMENT THE PLAN.

14 (J) PROVISIONS FOR THE DISPOSAL OF RECOVERED SPILLED OIL IN
15 ACCORDANCE WITH LOCAL, STATE, AND FEDERAL LAWS.

16 (K) THE AMOUNT AND TYPE OF EQUIPMENT AVAILABLE TO RESPOND TO A
17 SPILL, THE EQUIPMENT LOCATION, AND THE EXTENT TO WHICH OTHER
18 CONTINGENCY PLANS RELY ON THE SAME EQUIPMENT.

19 (L) IDENTIFICATION OF THE INDIVIDUAL OR INDIVIDUALS
20 RESPONSIBLE FOR SUPERVISING PLAN IMPLEMENTATION AND THE OWNER'S AND
21 OPERATOR'S DESIGNATED POINT OF CONTACT FOR COMMUNICATION WITH THE
22 DEPARTMENT AND OTHER STATE, FEDERAL, TRIBAL, AND LOCAL OFFICIALS IF
23 A SPILL OCCURS.

24 (M) THE PROCEDURES TO BE USED TO NOTIFY STATE, FEDERAL,
25 TRIBAL, AND LOCAL OFFICIALS OF A SPILL AND THE RESPONSE ACTIONS
26 TAKEN.

27 (5) TO SUPPORT THE DEPARTMENT'S ADMINISTRATION OF THIS

1 SECTION, AN OWNER OR OPERATOR OF AN OIL TRANSPORTATION PIPELINE
2 THAT SUBMITS A CONTINGENCY PLAN FOR DEPARTMENTAL REVIEW AND
3 APPROVAL SHALL SUBMIT WITH THE CONTINGENCY PLAN A REVIEW FEE OF
4 \$12,500.00 FOR EACH GEOGRAPHIC PLAN AREA OR SUB-AREA ESTABLISHED BY
5 THE UNITED STATES COAST GUARD AND THE UNITED STATES ENVIRONMENTAL
6 PROTECTION AGENCY THAT IS COVERED IN THE CONTINGENCY PLAN.
7 BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
8 THAT ADDED THIS SECTION, THE STATE TREASURER SHALL ADJUST THE FEE
9 UNDER THIS SECTION FOR INFLATION BASED UPON CHANGES IN THE DETROIT
10 CONSUMER PRICE INDEX. FEES COLLECTED UNDER THIS SECTION SHALL BE
11 FORWARDED TO THE STATE TREASURER FOR DEPOSIT INTO THE OIL
12 TRANSPORTATION FUND CREATED IN SECTION 3135.

13 (6) THE DEPARTMENT MAY ACCEPT AS A CONTINGENCY PLAN UNDER THIS
14 SECTION A CONTINGENCY PLAN PREPARED FOR AN AGENCY OF THE FEDERAL
15 GOVERNMENT OR ANOTHER STATE IF IT SATISFIES THE REQUIREMENTS OF
16 THIS SECTION AND RULES PROMULGATED BY THE DEPARTMENT. THE
17 DEPARTMENT SHALL ENSURE THAT, TO THE GREATEST EXTENT POSSIBLE,
18 REQUIREMENTS FOR CONTINGENCY PLANS UNDER THIS SECTION ARE
19 CONSISTENT WITH THE REQUIREMENTS FOR CORRESPONDING CONTINGENCY
20 PLANS UNDER FEDERAL LAW.

21 (7) IN REVIEWING THE CONTINGENCY PLANS REQUIRED UNDER THIS
22 SECTION, THE DEPARTMENT SHALL, AT A MINIMUM, CONSIDER ALL OF THE
23 FOLLOWING FACTORS:

24 (A) THE ADEQUACY OF CONTAINMENT AND CLEANUP EQUIPMENT,
25 PERSONNEL, COMMUNICATIONS EQUIPMENT, NOTIFICATION PROCEDURES AND
26 CALL DOWN LISTS, RESPONSE TIME, AND LOGISTICAL ARRANGEMENTS FOR
27 COORDINATION AND IMPLEMENTATION OF RESPONSE EFFORTS TO REMOVE OIL

1 SPILLS PROMPTLY AND PROPERLY AND TO PROTECT THE ENVIRONMENT.

2 (B) THE VOLUME AND TYPE OF OIL BEING TRANSPORTED WITHIN THE
3 AREA COVERED BY THE PLAN.

4 (C) THE HISTORY AND CIRCUMSTANCES SURROUNDING PRIOR OIL SPILLS
5 WITHIN THE AREA COVERED BY THE PLAN.

6 (D) THE SENSITIVITY OF FISHERIES, AQUATIC LIFE, AND WILDLIFE
7 AND OTHER NATURAL RESOURCES WITHIN THE AREA COVERED BY THE PLAN.

8 (E) THE EXTENT TO WHICH REASONABLE, COST-EFFECTIVE MEASURES TO
9 REDUCE THE LIKELIHOOD THAT A SPILL WILL OCCUR AND TO MINIMIZE THE
10 IMPACT OF A SPILL HAVE BEEN INCORPORATED INTO THE PLAN.

11 (8) THE DEPARTMENT SHALL APPROVE A CONTINGENCY PLAN SUBMITTED
12 UNDER THIS SECTION ONLY IF IT DETERMINES THAT THE PLAN MEETS THE
13 REQUIREMENTS OF THIS SECTION AND THE RULES PROMULGATED UNDER THIS
14 SECTION AND THAT, IF IMPLEMENTED, THE PLAN INCLUDES PERSONNEL,
15 MATERIALS, AND EQUIPMENT, CAPABLE OF REMOVING OIL PROMPTLY AND
16 PROPERLY AND MINIMIZING ANY DAMAGE TO THE ENVIRONMENT.

17 (9) IF THE DEPARTMENT FINDS THAT A CONTINGENCY PLAN SUBMITTED
18 UNDER THIS SECTION DOES NOT MEET THE REQUIREMENTS OF THIS SECTION
19 AND ANY APPLICABLE RULES, THE DEPARTMENT SHALL NOTIFY THE OWNER OR
20 OPERATOR OF THE OIL TRANSPORTATION PIPELINE OF ITS FINDINGS IN
21 WRITING, IDENTIFYING THE PROVISIONS OF THE PLAN THAT ARE INCOMPLETE
22 OR INADEQUATE. THE OWNER OR OPERATOR SHALL MODIFY THE PLAN AND
23 RESUBMIT AN APPROVABLE PLAN TO THE DEPARTMENT WITHIN 30 DAYS AFTER
24 THE DEPARTMENT'S NOTIFICATION, UNLESS THE DEPARTMENT AUTHORIZES IN
25 WRITING A LONGER RESPONSE PERIOD.

26 (10) A CONTINGENCY PLAN APPROVED UNDER THIS SECTION IS VALID
27 FOR 5 YEARS. UPON APPROVAL OF A CONTINGENCY PLAN, THE DEPARTMENT

1 SHALL PROVIDE TO THE OWNER OR OPERATOR OF THE OIL TRANSPORTATION
2 PIPELINE SUBMITTING THE PLAN A STATEMENT INDICATING THAT THE PLAN
3 HAS BEEN APPROVED, THE OIL TRANSPORTATION PIPELINES COVERED BY THE
4 PLAN, AND OTHER INFORMATION THE DEPARTMENT DETERMINES SHOULD BE
5 INCLUDED.

6 (11) AN OWNER OR OPERATOR OF AN OIL TRANSPORTATION PIPELINE
7 SHALL NOTIFY THE DEPARTMENT IN WRITING IMMEDIATELY OF ANY
8 SIGNIFICANT CHANGE OF WHICH IT IS AWARE AFFECTING ITS CONTINGENCY
9 PLAN, INCLUDING CHANGES IN ANY FACTOR SET FORTH IN THIS SECTION OR
10 IN RULES PROMULGATED BY THE DEPARTMENT. THE DEPARTMENT MAY REQUIRE
11 THE OWNER OR OPERATOR TO UPDATE A CONTINGENCY PLAN AS A RESULT OF
12 THE CHANGES IDENTIFIED IN THE NOTIFICATION FROM THE OWNER OR
13 OPERATOR, OR IF THE DEPARTMENT INDEPENDENTLY IDENTIFIES CHANGED
14 CIRCUMSTANCES WARRANTING AN UPDATE.

15 (12) THE OWNER OR OPERATOR OF AN OIL TRANSPORTATION PIPELINE
16 SHALL REVIEW, UPDATE, IF NECESSARY, AND RESUBMIT THE CONTINGENCY
17 PLAN TO THE DEPARTMENT AT LEAST ONCE EVERY 5 YEARS OR WITHIN 60
18 DAYS AFTER RECEIPT OF A REQUEST FROM THE DEPARTMENT.

19 (13) APPROVAL OF A CONTINGENCY PLAN BY THE DEPARTMENT DOES NOT
20 CONSTITUTE AN ASSURANCE REGARDING THE ADEQUACY OF THE PLAN NOR
21 CONSTITUTE A DEFENSE TO LIABILITY IMPOSED UNDER THIS PART OR OTHER
22 STATE LAW.

23 Sec. 3115. (1) The department may request the attorney general
24 to commence a civil action for appropriate relief, including a
25 permanent or temporary injunction, for a violation of this part or
26 a provision of a permit or order issued or rule promulgated under
27 this part. An action under this subsection may be brought in the

1 circuit court for the county of Ingham or for the county in which
2 the defendant is located, resides, or is doing business. If
3 requested by the defendant within 21 days after service of process,
4 the court shall grant a change of venue to the circuit court for
5 the county of Ingham or for the county in which the alleged
6 violation occurred, is occurring, or, in the event of a threat of
7 violation, will occur. The court has jurisdiction to restrain the
8 violation and to require compliance. In addition to any other
9 relief granted under this subsection, the court, except as
10 otherwise provided in this subsection, shall impose a civil fine of
11 not less than \$2,500.00 and the court may award reasonable attorney
12 fees and costs to the prevailing party. However, **EXCEPT AS PROVIDED**
13 **IN SECTION 3115B**, all of the following apply:

14 (a) The maximum **CIVIL** fine imposed by the court shall be not
15 more than \$25,000.00 per day of violation.

16 (b) For a failure to report a release to the department or to
17 the primary public safety answering point under section 3111b(1),
18 the court shall impose a civil fine of not more than \$2,500.00.

19 (c) For a failure to report a release to the local health
20 department under section 3111b(2), the court shall impose a civil
21 fine of not more than \$500.00.

22 (2) A person who at the time of the violation knew or should
23 have known that he or she discharged a substance contrary to this
24 part, or contrary to a permit or order issued or rule promulgated
25 under this part, or who intentionally makes a false statement,
26 representation, or certification in an application for or form
27 pertaining to a permit or in a notice or report required by the

1 terms and conditions of an issued permit, or who intentionally
2 renders inaccurate a monitoring device or record required to be
3 maintained by the department, is guilty of a felony and shall be
4 fined not less than \$2,500.00 or more than \$25,000.00 for each
5 violation. The court may impose an additional fine of not more than
6 \$25,000.00 for each day during which the unlawful discharge
7 occurred. If the conviction is for a violation committed after a
8 first conviction of the person under this subsection, the court
9 shall impose a fine of not less than \$25,000.00 per day and not
10 more than \$50,000.00 per day of violation. Upon conviction, in
11 addition to a fine, the court in its discretion may sentence the
12 defendant to imprisonment for not more than 2 years or impose
13 probation upon a person for a violation of this part. With the
14 exception of the issuance of criminal complaints, issuance of
15 warrants, and the holding of an arraignment, the circuit court for
16 the county in which the violation occurred has exclusive
17 jurisdiction. However, the person shall not be subject to the
18 penalties of this subsection if the discharge of the effluent is in
19 conformance with and obedient to a rule, order, or permit of the
20 department. In addition to a fine, the attorney general may file a
21 civil suit in a court of competent jurisdiction to recover the full
22 value of the injuries done to the natural resources of ~~the~~**THIS**
23 state and the costs of surveillance and enforcement by the state
24 resulting from the violation.

25 (3) Upon a finding by the court that the actions of a civil
26 defendant pose or posed a substantial endangerment to the public
27 health, safety, or welfare, the court shall impose, in addition to

1 the sanctions set forth in subsection (1), a **CIVIL** fine of not less
2 than \$500,000.00 and not more than \$5,000,000.00.

3 (4) Upon a finding by the court that the actions of a criminal
4 defendant pose or posed a substantial endangerment to the public
5 health, safety, or welfare, the court shall impose, in addition to
6 the penalties set forth in subsection (2), a fine of not less than
7 \$1,000,000.00 and, in addition to a fine, a sentence of 5 years'
8 imprisonment.

9 (5) To find a defendant civilly or criminally liable for
10 substantial endangerment under subsection (3) or (4), the court
11 shall determine that the defendant knowingly or recklessly acted in
12 such a manner as to cause a danger of death or serious bodily
13 injury and that either of the following occurred:

14 (a) The defendant had an actual awareness, belief, or
15 understanding that his or her conduct would cause a substantial
16 danger of death or serious bodily injury.

17 (b) The defendant acted in gross disregard of the standard of
18 care that any reasonable person should observe in similar
19 circumstances.

20 (6) Knowledge possessed by a person other than the defendant
21 under subsection (5) may be attributable to the defendant if the
22 defendant took affirmative steps to shield himself or herself from
23 the relevant information.

24 (7) A civil fine or other award ordered paid pursuant to this
25 section shall do both of the following:

26 (a) Be payable to the state of Michigan and credited to the
27 general fund.

1 (b) Constitute a lien on any property, of any nature or kind,
2 owned by the defendant.

3 (8) A lien under subsection (7)(b) shall take effect and have
4 priority over all other liens and encumbrances except those filed
5 or recorded prior to the date of judgment only if notice of the
6 lien is filed or recorded as required by state or federal law.

7 (9) A lien filed or recorded pursuant to subsection (8) shall
8 be terminated according to the procedures required by state or
9 federal law within 14 days after the fine or other award ordered to
10 be paid is paid.

11 (10) In addition to any other method of collection, any fine
12 or other award ordered paid may be recovered by right of setoff to
13 any debt owed to the defendant by the state of Michigan, including
14 the right to a refund of income taxes paid.

15 **SEC. 3115B. (1) THIS SECTION APPLIES TO ANY RELEASE OF OIL**
16 **FROM AN OIL FACILITY OR VESSEL INTO THE WATERS OF THE STATE AND TO**
17 **THE FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS PART INVOLVING**
18 **OIL TRANSPORTATION PIPELINES.**

19 **(2) THE LIABILITY AND REMEDIES PROVIDED IN THIS SECTION ARE IN**
20 **ADDITION TO AND DO NOT LIMIT THE CIVIL AND CRIMINAL LIABILITY**
21 **ESTABLISHED BY OTHER APPLICABLE FEDERAL AND STATE LAW, INCLUDING,**
22 **BUT NOT LIMITED TO, LIABILITY FOR RESPONSE ACTIVITY OR**
23 **REIMBURSEMENT OF RESPONSE ACTIVITY COSTS UNDER PART 201, AND**
24 **LIABILITY FOR DAMAGES TO NATURAL RESOURCES AND OTHER PUBLIC AND**
25 **PRIVATE PROPERTY.**

26 **(3) THE OWNER, OPERATOR, OR MANAGER OF AN OIL FACILITY OR**
27 **VESSEL FROM WHICH OIL IS RELEASED INTO THE ENVIRONMENT WHERE IT IS**

1 OR MAY BE DISCHARGED INTO THE WATERS OF THE STATE, AND ANY OTHER
2 PERSON RESPONSIBLE FOR AN ACTIVITY THAT CAUSES SUCH A RELEASE IS
3 LIABLE TO THE STATE FOR CIVIL FINES AS FOLLOWS:

4 (A) EACH PERSON LIABLE FOR A RELEASE IS JOINTLY AND SEVERALLY
5 LIABLE FOR A CIVIL FINE OF UP TO \$37,500.00 FOR EACH DAY THAT A
6 RELEASE OCCURS OR UP TO \$2,100.00 FOR EACH BARREL OF OIL RELEASED.

7 (B) IF THE RELEASE WAS THE RESULT OF GROSS NEGLIGENCE OR
8 WILLFUL MISCONDUCT, EACH PERSON LIABLE FOR THE RELEASE IS JOINTLY
9 AND SEVERALLY LIABLE FOR A CIVIL FINE OF NOT LESS THAN \$150,000.00
10 AND NOT MORE THAN \$5,300.00 PER BARREL OF OIL RELEASED.

11 (4) IN DETERMINING THE AMOUNT OF A CIVIL FINE UNDER SUBSECTION
12 (3), THE COURT SHALL CONSIDER THE SERIOUSNESS OF THE VIOLATION OR
13 VIOLATIONS, THE ECONOMIC BENEFIT TO THE VIOLATOR, IF ANY, RESULTING
14 FROM THE VIOLATION, THE DEGREE OF CULPABILITY INVOLVED, ANY OTHER
15 PENALTY FOR THE SAME INCIDENT, ANY HISTORY OF PRIOR VIOLATIONS, THE
16 NATURE, EXTENT, AND DEGREE OF SUCCESS OF ANY EFFORTS OF THE
17 VIOLATOR TO MINIMIZE OR MITIGATE THE EFFECTS OF THE RELEASE, THE
18 ECONOMIC IMPACT OF THE FINE ON THE VIOLATOR, AND ANY OTHER MATTERS
19 AS JUSTICE MAY REQUIRE.

20 (5) THE OWNER OR OPERATOR OF AN OIL TRANSPORTATION PIPELINE
21 THAT FAILS TO SUBMIT, OR RESUBMIT, A SPILL PREVENTION PLAN REQUIRED
22 UNDER SECTION 3111D IS LIABLE FOR A CIVIL FINE OF \$1,000.00 FOR
23 EACH DAY OF VIOLATION.

24 (6) THE OWNER OR OPERATOR OF AN OIL TRANSPORTATION PIPELINE
25 THAT FAILS TO SUBMIT, OR RESUBMIT, A CONTINGENCY PLAN REQUIRED
26 UNDER SECTION 3111E IS LIABLE FOR A CIVIL FINE OF \$1,000.00 FOR
27 EACH DAY OF VIOLATION.

1 (7) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE
2 AMENDATORY ACT THAT ADDED THIS SECTION, THE STATE TREASURER SHALL
3 ANNUALLY ADJUST FOR INFLATION BASED UPON CHANGES IN THE DETROIT
4 CONSUMER PRICE INDEX IN THE PRECEDING YEAR THE CIVIL FINE AMOUNTS
5 SPECIFIED IN SUBSECTIONS (3), (5), AND (6).

6 (8) THE FEES AND FINES PAYABLE UNDER THIS SECTION SHALL BE
7 THOSE AMOUNTS AS ADJUSTED BY THE STATE TREASURER FOR THE YEAR IN
8 WHICH THE FEES ARE PAYABLE OR THE LIABILITY FOR CIVIL FINES AROSE.

9 (9) CIVIL FINES COLLECTED UNDER THIS SECTION SHALL BE
10 FORWARDED TO THE STATE TREASURER FOR DEPOSIT INTO THE OIL
11 TRANSPORTATION FUND CREATED IN SECTION 3135.

12 SEC. 3135. (1) THE OIL TRANSPORTATION FUND IS CREATED WITHIN
13 THE STATE TREASURY.

14 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
15 ANY SOURCE FOR DEPOSIT INTO THE OIL TRANSPORTATION FUND. THE STATE
16 TREASURER SHALL DIRECT THE INVESTMENT OF THE OIL TRANSPORTATION
17 FUND. THE STATE TREASURER SHALL CREDIT TO THE OIL TRANSPORTATION
18 FUND INTEREST AND EARNINGS FROM OIL TRANSPORTATION FUND
19 INVESTMENTS.

20 (3) MONEY IN THE OIL TRANSPORTATION FUND AT THE CLOSE OF THE
21 FISCAL YEAR SHALL REMAIN IN THE OIL TRANSPORTATION FUND AND SHALL
22 NOT LAPSE TO THE GENERAL FUND.

23 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE OIL
24 TRANSPORTATION FUND FOR AUDITING PURPOSES.

25 (5) MONEY FROM THE OIL TRANSPORTATION FUND SHALL BE USED, UPON
26 APPROPRIATION, ONLY FOR THE FOLLOWING PURPOSES:

27 (A) DEPARTMENT AND DEPARTMENT OF ATTORNEY GENERAL ACTIVITIES

1 IN INVESTIGATING AND BRINGING ENFORCEMENT ACTIONS FOR VIOLATIONS OF
2 SECTIONS 3111C, 3111D, 3111E, AND 3115B.

3 (B) ACTIVITIES OF STATE AGENCIES TO PREVENT OR MITIGATE
4 RELEASES OF OIL INTO THE ENVIRONMENT.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.