

HOUSE BILL No. 4572

May 2, 2017, Introduced by Reps. Rabhi, Cochran, Peterson, Pagan, Hertel, Green, Ellison, Lasinski, Hammoud, Geiss, Chang, Garrett, Hoadley, Sabo, Sneller, Greimel, Sowerby, Gay-Dagnogo, Moss, Jones, Yanez, Neeley, Phelps, Schor, Wittenberg, Robinson, Santana, Liberati, LaGrand, Faris, Brinks and Zemke and referred to the Committee on Energy Policy.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 3106 (MCL 324.3106) and by adding section 32517
and part 168.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3106. **(1)** The department shall establish pollution
2 standards for lakes, rivers, streams, and other waters of the state
3 in relation to the public use to which they are or may be put, as
4 it considers necessary. The department shall issue permits that
5 will ~~assure~~**ENSURE** compliance with state standards to regulate
6 municipal, industrial, and commercial discharges or storage of any
7 substance that may affect the quality of the waters of the state.

1 The department may set permit restrictions that will ~~assure~~**ENSURE**
2 compliance with applicable federal law and regulations. The
3 department may ascertain and determine for record and in making its
4 order what volume of water actually flows in all streams, and the
5 high and low water marks of lakes and other waters of the state,
6 affected by the waste disposal or pollution of any persons. The
7 department may promulgate rules and issue orders restricting the
8 polluting content of any waste material or polluting substance
9 discharged or sought to be discharged into any lake, river, stream,
10 or other waters of the state. The department shall take all
11 appropriate steps to prevent any pollution the department considers
12 to be unreasonable and against **THE** public interest in view of the
13 existing conditions in any lake, river, stream, or other waters of
14 the state.

15 **(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART OR THE**
16 **RULES PROMULGATED UNDER THIS PART, A PIPELINE USED TO TRANSPORT**
17 **CRUDE OIL OR PETROLEUM IS NOT EXEMPT FROM AND SHALL COMPLY WITH**
18 **PART 5 OF THE WATER RESOURCES PROTECTION RULES, R 324.2001 TO R**
19 **324.2009 OF THE MICHIGAN ADMINISTRATIVE CODE.**

20 **SEC. 32517. A PIPELINE THAT IS LOCATED ON THE BOTTOMLANDS OF**
21 **THE GREAT LAKES MUST BE OPERATED IN SUCH A MANNER THAT IT DOES NOT**
22 **POSE A THREAT TO PUBLIC HEALTH, SAFETY, WELFARE, OR THE ENVIRONMENT**
23 **OR THE PUBLIC TRUST IN THE WATERS OF THE GREAT LAKES. TO ENSURE**
24 **COMPLIANCE WITH THIS SECTION, THE DEPARTMENT SHALL INSPECT**
25 **PIPELINES LOCATED ON BOTTOMLANDS ON A REGULAR BASIS AND MAY IMPOSE**
26 **CONDITIONS ON THEIR OPERATION, SUCH AS SUFFICIENT ANCHORS.**

27 **PART 618 PIPELINE SPILL EMERGENCY RESPONSE**

1 SEC. 61801. AS USED IN THIS PART:

2 (A) "COMMISSION" MEANS THE MICHIGAN PUBLIC SERVICE COMMISSION.

3 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
4 QUALITY.

5 (C) "EMERGENCY RESPONSE PLAN" MEANS AN EMERGENCY RESPONSE PLAN
6 AS PROVIDED FOR IN SECTION 61803.

7 (D) "PIPELINE" MEANS A PIPELINE REGULATED UNDER 1929 PA 16,
8 MCL 483.1 TO 483.11, OR 1969 PA 165, MCL 483.151 TO 483.162.

9 (E) "RELEASE" MEANS THAT TERM AS IT IS DEFINED IN PART 201.

10 SEC. 61802. THE DEPARTMENT SHALL PROVIDE REGULATORY OVERSIGHT
11 OVER RELEASES FROM PIPELINES IN THIS STATE.

12 SEC. 61803. (1) THE OWNER OR OPERATOR OF A PIPELINE IN THIS
13 STATE SHALL PREPARE AND SUBMIT TO THE DEPARTMENT AND THE COMMISSION
14 AN EMERGENCY RESPONSE PLAN.

15 (2) AN EMERGENCY RESPONSE PLAN SHALL CONTAIN ALL OF THE
16 FOLLOWING:

17 (A) ALL INFORMATION REQUIRED FOR EMERGENCY RESPONSE PLANS
18 UNDER 49 CFR 194.

19 (B) ADDITIONAL INFORMATION REQUIRED BY RULE.

20 SEC. 61804. THE OWNER OR OPERATOR OF A PIPELINE SHALL CONDUCT
21 RELEASE RESPONSE DRILLS AT A FREQUENCY DETERMINED BY RULE TO
22 PRACTICE IMPLEMENTING THE OWNER'S OR OPERATOR'S EMERGENCY RESPONSE
23 PLAN IN THE EVENT OF A RELEASE FROM THE PIPELINE. A RELEASE
24 RESPONSE DRILL SHALL INCLUDE CONSULTATIONS WITH LOCAL UNITS OF
25 GOVERNMENT IN THE VICINITY OF THE PIPELINE THAT MAY BE ABLE TO
26 ASSIST IN RELEASE RESPONSE IF A RELEASE FROM THE PIPELINE OCCURS.

27 SEC. 61805. (1) IF THE OWNER OR OPERATOR OF A PIPELINE OBTAINS

1 KNOWLEDGE THAT THERE IS OR MAY BE A RELEASE FROM THE PIPELINE, THE
2 OWNER OR OPERATOR SHALL IMMEDIATELY NOTIFY THE DEPARTMENT.

3 (2) IF AN AGENCY OF A LOCAL UNIT OF GOVERNMENT WITH
4 RESPONSIBILITY FOR PUBLIC SAFETY OBTAINS KNOWLEDGE THAT THERE IS OR
5 MAY BE A RELEASE FROM A PIPELINE, THE AGENCY SHALL IMMEDIATELY
6 NOTIFY THE DEPARTMENT.

7 SEC. 61806. IF THE OWNER OR OPERATOR OF A PIPELINE OBTAINS
8 KNOWLEDGE OF A RELEASE FROM THE PIPELINE, THE OWNER OR OPERATOR
9 SHALL IMMEDIATELY NOTIFY ALL PROPERTY OWNERS AFFECTED BY THE
10 RELEASE.

11 SEC. 61809. THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT
12 THIS PART.

13 Enacting section 1. This amendatory act does not take effect
14 unless all of the following bills of the 99th Legislature are
15 enacted into law:

16 (a) Senate Bill No. ____ or House Bill No. 4570 (request no.
17 02069'17).

18 (b) Senate Bill No. ____ or House Bill No. 4571 (request no.
19 02218'17).

20 (c) Senate Bill No. ____ or House Bill No. ____ (request no.
21 02442'17).