

HOUSE BILL No. 5984

December 2, 2014, Introduced by Reps. Roberts, Cochran, Irwin, Singh, Barnett, Zemke, Tlaib, Switalski, Driskell and Geiss and referred to the Committee on Natural Resources.

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 32516
and part 618.

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.
8 The department may set permit restrictions that will ~~assure~~**ENSURE**
9 compliance with applicable federal law and regulations. The

department may ascertain and determine for record and in making its order what volume of water actually flows in all streams, and the high and low water marks of lakes and other waters of the state, affected by the waste disposal or pollution of any persons. The department may promulgate rules and issue orders restricting the polluting content of any waste material or polluting substance discharged or sought to be discharged into any lake, river, stream, or other waters of the state. The department shall take all appropriate steps to prevent any pollution the department considers to be unreasonable and against public interest in view of the existing conditions in any lake, river, stream, or other waters of the state.

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

SEC. 32516. A PIPELINE THAT IS LOCATED ON THE BOTTOMLANDS OF THE GREAT LAKES SHALL BE OPERATED IN SUCH A MANNER THAT IT DOES NOT POSE A THREAT TO PUBLIC HEALTH, SAFETY, WELFARE, OR THE ENVIRONMENT OR THE PUBLIC TRUST IN THE WATERS OF THE GREAT LAKES. TO ENSURE COMPLIANCE WITH THIS SECTION, THE DEPARTMENT SHALL INSPECT PIPELINES LOCATED ON BOTTOMLANDS ON A REGULAR BASIS AND MAY IMPOSE CONDITIONS ON THEIR OPERATION, SUCH AS SUFFICIENT ANCHORS.

PART 618 PIPELINE SPILL EMERGENCY RESPONSE

SEC. 61801. AS USED IN THIS PART:

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

1 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
2 QUALITY.

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

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

7 (E) "RELEASE" MEANS THAT TERM AS IT IS DEFINED IN PART 201.
8 SEC. 61802. THE DEPARTMENT SHALL PROVIDE REGULATORY OVERSIGHT
9 OVER RELEASES FROM PIPELINES IN THIS STATE.

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

13 (2) AN EMERGENCY RESPONSE PLAN PREPARED UNDER THIS SECTION
14 SHALL CONTAIN ALL OF THE FOLLOWING:

15 (A) ALL INFORMATION REQUIRED FOR EMERGENCY RESPONSE PLANS
16 UNDER 49 CFR 194.

17 (B) ADDITIONAL INFORMATION REQUIRED BY RULE.

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

25 SEC. 61805. (1) IF THE OWNER OR OPERATOR OF A PIPELINE OBTAINS
26 KNOWLEDGE THAT THERE IS OR MAY BE A RELEASE FROM THE PIPELINE, THE
27 OWNER OR OPERATOR SHALL IMMEDIATELY NOTIFY THE DEPARTMENT.

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

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

9 SEC. 61809. THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT
10 THIS PART.

11 Enacting section 1. This amendatory act does not take effect
12 unless all of the following bills of the 97th Legislature are
13 enacted into law:

14 (a) Senate Bill No.____ or House Bill No. 5983 (request no.
15 02057'13).

16 (b) Senate Bill No.____ or House Bill No. 5985 (request no.
17 02128'13).