

# HOUSE BILL No. 4820

May 23, 2007, Introduced by Reps. Hansen, Elsenheimer, Nofs, Booher, Agema, Moss, Sheltrown, Nitz, Caul, Ball, Accavitti, Mayes, Hildenbrand, Casperson, Moore, Hoogendyk, Emmons, Meekhof, Palsrok and Walker and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3112 and 3122 (MCL 324.3112 and 324.3122), section 3112 as amended by 2005 PA 33 and section 3122 as added by 2004 PA 90.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 3112. (1) A person shall not discharge any waste or waste  
2 effluent into the waters of this state unless the person is in  
3 possession of a valid permit from the department.

4           (2) An application for a permit under subsection (1) shall be  
5 submitted to the department. Within 30 days after an application  
6 for a new or increased use is received, the department shall

1 determine whether the application is administratively complete.  
2 Within 90 days after an application for reissuance of a permit is  
3 received, the department shall determine whether the application is  
4 administratively complete. If the department determines that an  
5 application is not complete, the department shall notify the  
6 applicant in writing within the applicable time period. If the  
7 department does not make a determination as to whether the  
8 application is complete within the applicable time period, the  
9 application shall be considered to be complete.

10 (3) The department shall condition the continued validity of a  
11 permit upon the permittee's meeting the effluent requirements that  
12 the department considers necessary to prevent unlawful pollution by  
13 the dates that the department considers to be reasonable and  
14 necessary and to assure compliance with applicable federal law and  
15 regulations. If the department finds that the terms of a permit  
16 have been, are being, or may be violated, it may modify, suspend,  
17 or revoke the permit or grant the permittee a reasonable period of  
18 time in which to comply with the permit. The department may reissue  
19 a revoked permit upon a showing satisfactory to the department that  
20 the permittee has corrected the violation. A person who has had a  
21 permit revoked may apply for a new permit.

22 (4) If the department determines that a person is causing or  
23 is about to cause unlawful pollution of the waters of this state,  
24 the department may notify the alleged offender of its determination  
25 and enter an order requiring the person to abate the pollution or  
26 **MAY** refer the matter to the attorney general for legal action, or  
27 both.

1           (5) A person who is aggrieved by an order of abatement of the  
2 department or by the reissuance, modification, suspension, or  
3 revocation of an existing permit of the department executed  
4 pursuant to this section may file a sworn petition with the  
5 department setting forth the grounds and reasons for the complaint  
6 and asking for a contested case hearing on the matter pursuant to  
7 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201  
8 to 24.328. A petition filed more than 60 days after action on the  
9 order or permit may be rejected by the department as being  
10 untimely.

11           (6) Beginning January 1, 2007, all oceangoing vessels engaging  
12 in port operations in this state shall obtain a permit from the  
13 department. The department shall issue a permit for an oceangoing  
14 vessel only if the applicant can demonstrate that the oceangoing  
15 vessel will not discharge aquatic nuisance species or if the  
16 oceangoing vessel discharges ballast water or other waste or waste  
17 effluent, that the operator of the vessel will utilize  
18 environmentally sound technology and methods, as determined by the  
19 department, that can be used to prevent the discharge of aquatic  
20 nuisance species. The department shall cooperate to the fullest  
21 extent practical with other Great Lakes basin states, the Canadian  
22 Great Lakes provinces, the Great Lakes panel on aquatic nuisance  
23 species, the Great Lakes fishery commission, the international  
24 joint commission, and the Great Lakes commission to ensure  
25 development of standards for the control of aquatic nuisance  
26 species that are broadly protective of the waters of the state and  
27 other natural resources. Permit fees for permits under this

1 subsection shall be assessed as provided in section 3120. The  
2 permit fees for an individual permit issued under this subsection  
3 shall be the fees specified in section 3120(1)(a) and (5)(a). The  
4 permit fees for a general permit issued under this subsection shall  
5 be the fees specified in section 3120(1)(c) and (5)(b)(i). Permits  
6 under this subsection shall be issued in accordance with the  
7 timelines provided in section 3120. The department may promulgate  
8 rules to implement this subsection.

9 **(7) A COUNTY ROAD COMMISSION MAY EACH YEAR, UPON NOTIFICATION**  
10 **TO THE DEPARTMENT, MAKE UP TO 3 APPLICATIONS OF OIL FIELD BRINE TO**  
11 **A ROAD WITHIN ITS JURISDICTION WITHOUT OBTAINING A PERMIT UNDER**  
12 **THIS PART. IF THE COUNTY ROAD COMMISSION DESIRES TO MAKE MORE THAN**  
13 **3 APPLICATIONS OF OIL FIELD BRINE TO A ROAD WITHIN ITS JURISDICTION**  
14 **DURING A 1-YEAR PERIOD, THE COUNTY ROAD COMMISSION SHALL OBTAIN A**  
15 **PERMIT UNDER THIS PART.**

16 Sec. 3122. (1) Until October 1, 2007, the department may levy  
17 and collect an annual groundwater discharge permit fee from  
18 facilities that discharge wastewater to the ground or groundwater  
19 of this state pursuant to section 3112. The fee shall be as  
20 follows:

21 (a) For a group 1 facility, \$3,650.00.

22 (b) For a group 2 facility or a municipality of 1,000 or fewer  
23 residents, \$1,500.00. **HOWEVER, A COUNTY ROAD COMMISSION IS EXEMPT**  
24 **FROM THE FEE UNDER THIS SUBDIVISION UNLESS IT IS REQUIRED TO OBTAIN**  
25 **A PERMIT UNDER SECTION 3112.**

26 (c) For a group 3 facility, \$200.00.

27 (2) Within 180 days after receipt of a complete application

1 **FOR A GROUNDWATER DISCHARGE PERMIT SUBJECT TO AN ANNUAL GROUNDWATER**  
2 **DISCHARGE PERMIT FEE UNDER SUBSECTION (1)**, the department shall  
3 either grant or deny a permit, unless the applicant and the  
4 department agree to extend this time period. If the department  
5 fails to make a decision on an application within the time period  
6 specified or agreed to under this subsection, the applicant shall  
7 receive a 15% annual discount on an annual groundwater discharge  
8 permit fee for a permit issued based upon that application. This  
9 subsection applies to permit applications received beginning  
10 October 1, 2005.

11 (3) If the person required to pay the annual groundwater  
12 discharge permit fee under subsection (1) is a municipality, the  
13 municipality may pass on the annual groundwater discharge permit  
14 fee to each user of the municipal facility.

15 (4) As used in this section, "group 1 facility", "group 2  
16 facility", and "group 3 facility" do not include a municipality  
17 with a population of 1,000 or fewer residents.