

**SUBSTITUTE FOR
SENATE BILL NO. 560**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 3101 (MCL 324.3101), as amended by 2001 PA
114, and by adding sections 3122, 3123, and 3124.

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
4 the ecological stability of infested waters, or commercial,
5 agricultural, aquacultural, or recreational activities dependent
6 on such waters.

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

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

4 (i) Filtration.

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

6 (iii) Thermal methods.

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

8 (d) "Department" means the department of environmental
9 quality.

10 (e) "Detroit consumer price index" means the most
11 comprehensive index of consumer prices available for the Detroit
12 area from the United States department of labor, bureau of labor
13 statistics.

14 (f) "Great Lakes" means the Great Lakes and their connecting
15 waters, including ~~lake~~ **Lake** St. Clair.

16 (g) "Group 1 facility" means a facility whose discharge is
17 described by R 323.2218 of the Michigan administrative code.

18 (h) "Group 2 facility" means a facility whose discharge is
19 described by R 323.2210(y), 323.2215, or 323.2216 of the Michigan
20 administrative code.

21 (i) "Group 3 facility" means a facility whose discharge is
22 described by R 323.2211 or 323.2213 of the Michigan
23 administrative code.

24 (j) ~~(g)~~ "Local unit" means a county, city, village, or
25 township or an agency or instrumentality of any of these
26 entities.

27 (k) ~~(h)~~ "Municipality" means this state, a county, city,

1 village, or township, or an agency or instrumentality of any of
2 these entities.

3 (l) ~~(i)~~ "Nonocean-going vessel" means a vessel that is not
4 an ocean-going vessel.

5 (m) ~~(j)~~ "Ocean-going vessel" means a vessel that operates on
6 the Great Lakes or the St. Lawrence waterway after operating in
7 waters outside of the Great Lakes or the St. Lawrence waterway.

8 (n) ~~(k)~~ "Sediments" means any matter settled out of ballast
9 water within a vessel.

10 (o) ~~(l)~~ "Sewage sludge" means sewage sludge generated in
11 the treatment of domestic sewage, other than only septage or
12 industrial waste.

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

16 (q) ~~(n)~~ "Sewage sludge generator" means a person who
17 generates sewage sludge that is applied to land.

18 (r) ~~(o)~~ "Sewage sludge distributor" means a person who
19 applies, markets, or distributes, except at retail, a sewage
20 sludge derivative.

21 (s) ~~(p)~~ "St. Lawrence waterway" means the St. Lawrence
22 river, the St. Lawrence seaway, and the gulf of St. Lawrence.

23 (t) ~~(q)~~ "Waters of the state" means groundwaters, lakes,
24 rivers, and streams and all other watercourses and waters,
25 including the Great Lakes, within the jurisdiction of this
26 state.

27 **Sec. 3122. (1) Until October 1, 2007, the department may**

1 levy and collect an annual groundwater discharge permit fee from
2 facilities that discharge wastewater to the ground or groundwater
3 of this state pursuant to section 3112. The fee shall be as
4 follows:

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

6 (b) For a group 2 facility, \$1,500.00.

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

8 (2) Within 180 days after receipt of a complete application,
9 the department shall either grant or deny a permit, unless the
10 applicant and the department agree to extend this time period.
11 If the department grants a permit after the 180-day period or the
12 agreed-upon extended time period, the permit fee shall be reduced
13 1% for every day after that period until and including the day on
14 which the permit is granted. This subsection applies to permit
15 applications received beginning October 1, 2005.

16 (3) If the person required to pay the annual groundwater
17 discharge permit fee under subsection (1) is a municipality, the
18 municipality may pass on the annual groundwater discharge permit
19 fee to each user of the municipal facility.

20 Sec. 3123. (1) The department shall send invoices for the
21 groundwater discharge permit fees under section 3122 to all
22 permit holders by January 15 of each year. Fees will be charged
23 for all facilities authorized as of December 15 of each calendar
24 year. Payment shall be postmarked no later than March 1 of each
25 year. The department shall forward money collected pursuant to
26 this section to the state treasurer for deposit into the
27 groundwater discharge permit fund established under section

1 3124.

2 (2) The department shall assess a penalty on all fee payments
3 submitted under this section after the due date. The penalty
4 shall be an amount equal to 0.75% of the payment due for each
5 month or portion of a month the payment remains past due.
6 Failure to timely pay a fee imposed by this section is a
7 violation of this part and is cause for revocation of a permit
8 issued under this part and may subject the discharger to
9 additional penalties pursuant to section 3115.

10 (3) The attorney general may bring an action for the
11 collection of the groundwater discharge permit fees imposed under
12 this section.

13 Sec. 3124. (1) The groundwater discharge permit fund is
14 created within the state treasury. The state treasurer may
15 receive money or other assets from any source for deposit into
16 the groundwater discharge permit fund. The state treasurer shall
17 direct the investment of the groundwater discharge permit fund.

18 (2) Money in the groundwater discharge permit fund at the
19 close of the fiscal year shall remain in the groundwater
20 discharge permit fund and shall not lapse to the general fund.

21 (3) The state treasurer shall credit to the groundwater
22 discharge permit fund the interest and earnings from groundwater
23 discharge permit fund investments.

24 (4) The department shall expend money from the groundwater
25 discharge permit fund, upon appropriation, only to implement the
26 department's groundwater discharge program under this part.

27 (5) By March 1 annually, the department shall prepare and

1 submit to the governor, the legislature, the chair of the
2 standing committees of the senate and house of representatives
3 with primary responsibility for issues related to natural
4 resources and the environment, and the chairs of the
5 subcommittees of the senate and house appropriations committees
6 with primary responsibility for appropriations to the department
7 a report that details the activities during the previous fiscal
8 year in administering the department's groundwater discharge
9 program that were funded by the groundwater discharge permit
10 fund. This report shall include, at a minimum, all of the
11 following as they relate to the department:

12 (a) The number of full-time equated positions performing
13 groundwater permitting, compliance, and enforcement activities.

14 (b) The number of applications received by the department,
15 reported as the number of applications determined to be
16 administratively incomplete and the number determined to be
17 administratively complete.

18 (c) The number of applications for groundwater permits
19 determined to be administratively complete for which a final
20 action was taken by the department. The number of final actions
21 shall be reported as the number of applications approved, the
22 number of applications denied, and the number of applications
23 withdrawn by the applicant.

24 (d) The percentage and number of applications determined to
25 be administratively complete for which a final decision was made
26 within the statutory time frame.

27 (e) The number of inspections conducted at groundwater

1 facilities.

2 (f) The number of violation letters sent.

3 (g) The number of contested case hearings and civil actions
4 initiated and completed, the number of voluntary consent orders
5 and administrative orders entered or issued, and the amount of
6 fines and penalties collected through such actions or orders.

7 (h) For each enforcement action that includes a penalty, a
8 description of what corrective actions were required by the
9 enforcement action.

10 (i) The number of groundwater complaints received,
11 investigated, resolved, and not resolved by the department.

12 (j) The amount of revenue in the groundwater discharge permit
13 fund at the end of the fiscal year.

14 Enacting section 1. This amendatory act takes effect
15 October 1, 2003.