

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 552

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 3101 and 3122 (MCL 324.3101 and 324.3122),
section 3101 as amended by 2006 PA 97 and section 3122 as amended
by 2015 PA 82.

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.

7 (b) "Ballast water" means water and associated solids taken on

1 board a vessel to control or maintain trim, draft, stability, or
2 stresses on the vessel, without regard to the manner in which it is
3 carried.

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

7 (i) Filtration.

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

9 (iii) Thermal methods.

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

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

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

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

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

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

24 (i) "Group 2 facility" means a facility whose discharge is
25 described by R 323.2210(y), R 323.2215, or R 323.2216 of the
26 Michigan administrative code. **GROUP 2 FACILITY DOES NOT INCLUDE A**
27 **GROUP 2A FACILITY.**

1 (J) "GROUP 2A FACILITY" MEANS A FACILITY WHOSE DISCHARGE IS
2 DESCRIBED BY R 323.2210(Y) OR R 323.2215 OF THE MICHIGAN
3 ADMINISTRATIVE CODE AND THAT MEETS 1 OR MORE OF THE FOLLOWING:

4 (i) THE FACILITY'S DISCHARGE IS FROM A COIN-OPERATED
5 LAUNDROMAT.

6 (ii) THE FACILITY'S DISCHARGE IS FROM A CAR WASH OR VEHICLE
7 WASH OPEN TO THE PUBLIC.

8 (iii) THE FACILITY'S DISCHARGE IS A SUBSURFACE SANITARY
9 DISCHARGE OF FEWER THAN 10,000 GALLONS PER DAY THAT DOES NOT MEET
10 THE TERMS FOR AUTHORIZATION UNDER R 323.2211(A) OF THE MICHIGAN
11 ADMINISTRATIVE CODE.

12 (iv) THE FACILITY'S DISCHARGE IS A SEASONAL SANITARY DISCHARGE
13 FROM A PUBLIC PARK, PUBLIC OR PRIVATE RECREATIONAL VEHICLE PARK OR
14 CAMPGROUND, OR RECREATIONAL OR VACATION CAMP.

15 (K) ~~(j)~~—"Group 3 facility" means a facility whose discharge is
16 described by R 323.2211 or R 323.2213 of the Michigan
17 administrative code.

18 (L) ~~(k)~~—"Local health department" means that term as defined
19 in section 1105 of the public health code, 1978 PA 368, MCL
20 333.1105.

21 (M) ~~(l)~~—"Local unit" means a county, city, village, or
22 township or an agency or instrumentality of any of these entities.

23 (N) ~~(m)~~—"Municipality" means this state, a county, city,
24 village, or township, or an agency or instrumentality of any of
25 these entities.

26 (O) ~~(n)~~—"National response center" means the ~~national~~
27 ~~communications center~~ NATIONAL COMMUNICATIONS CENTER established

1 under the clean water act, 33 USC 1251 to 1387, located in
2 Washington, DC, that receives and relays notice of oil discharge or
3 releases of hazardous substances to appropriate federal officials.

4 (P) ~~(e)~~-"Nonocean-going vessel" means a vessel that is not an
5 ocean-going vessel.

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

9 (R) ~~(q)~~-"Open water disposal of contaminated dredge materials"
10 means the placement of dredge materials contaminated with toxic
11 substances as defined in R 323.1205 of the Michigan administrative
12 code into the open waters of the waters of the state but does not
13 include the siting or use of a confined disposal facility
14 designated by the United States ~~army corps of engineers~~ **ARMY CORPS**
15 **OF ENGINEERS** or beach nourishment activities utilizing
16 uncontaminated materials.

17 (S) ~~(r)~~-"Primary public safety answering point" means that
18 term as defined in section 102 of the emergency telephone service
19 enabling act, 1986 PA 32, MCL 484.1102.

20 (T) ~~(s)~~-"Sediments" means any matter settled out of ballast
21 water within a vessel.

22 (U) ~~(t)~~-"Sewage sludge" means sewage sludge generated in the
23 treatment of domestic sewage, other than only septage or industrial
24 waste.

25 (V) ~~(u)~~-"Sewage sludge derivative" means a product for land
26 application derived from sewage sludge that does not include solid
27 waste or other waste regulated under this act.

1 (W) ~~(v)~~—"Sewage sludge generator" means a person who generates
2 sewage sludge that is applied to land.

3 (X) ~~(w)~~—"Sewage sludge distributor" means a person who
4 applies, markets, or distributes, except at retail, a sewage sludge
5 derivative.

6 (Y) ~~(x)~~—"St. Lawrence waterway" means the St. Lawrence ~~river,~~
7 **RIVER**, the St. Lawrence ~~seaway,~~ **SEAWAY**, and the ~~gulf~~ **GULF** of St.
8 Lawrence.

9 (Z) ~~(y)~~—"Threshold reporting quantity" means that term as
10 defined in R 324.2002 of the Michigan administrative code.

11 (AA) ~~(z)~~—"Waters of the state" means groundwaters, lakes,
12 rivers, and streams and all other watercourses and waters,
13 including the Great Lakes, within the jurisdiction of this state.

14 Sec. 3122. (1) Until ~~December 31, 2015,~~ **SEPTEMBER 30, 2019**,
15 the department may levy and collect an annual groundwater discharge
16 permit fee from facilities **OR MUNICIPALITIES** that discharge
17 wastewater to the ground or groundwater of this state pursuant to
18 section 3112. The fee shall be as follows:

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

20 (b) For a group 2 facility or a municipality of 1,000 or fewer
21 residents, \$1,500.00.

22 **(C) FOR A GROUP 2A FACILITY, \$250.00.**

23 (D) ~~(e)~~—For a group 3 facility, \$200.00.

24 (2) Within 180 days after receipt of a complete application
25 for a permit to discharge ~~wasterwater~~ **WASTEWATER** to the ground or
26 to groundwater, the department shall either grant or deny a permit,
27 unless the applicant and the department agree to extend this time

1 period. If the department fails to make a decision on an
2 application within the time period specified or agreed to under
3 this subsection, an applicant subject to an annual groundwater
4 discharge permit fee shall receive a 15% annual discount on the
5 annual groundwater discharge permit fee.

6 (3) If the person required to pay the annual groundwater
7 discharge permit fee under subsection (1) is a municipality, the
8 municipality may pass on the annual groundwater discharge permit
9 fee to each user of the municipal facility.

10 (4) As used in this section, "group 1 facility", "group 2
11 facility", "**GROUP 2A FACILITY**", and "group 3 facility" do not
12 include a municipality with a population of 1,000 or fewer
13 residents.