

SENATE BILL No. 552

October 8, 2015, Introduced by Senator GREEN and referred to the Committee on Appropriations.

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
8 board a vessel to control or maintain trim, draft, stability, or
9 stresses on the vessel, without regard to the manner in which it is

1 carried.

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

5 (i) Filtration.

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

7 (iii) Thermal methods.

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

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

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

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

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

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

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

26 **(J) "GROUP 2A FACILITY" MEANS A FACILITY WHOSE DISCHARGE IS**
27 **DESCRIBED BY R 323.2210(Y) OR R 323.2215 OF THE MICHIGAN**

1 ADMINISTRATIVE CODE AND THAT MEETS 1 OR MORE OF THE FOLLOWING:

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

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

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

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

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

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

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

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

24 (O) ~~(n)~~ "National response center" means the ~~national~~
25 ~~communications center~~ **NATIONAL COMMUNICATIONS CENTER** established
26 under the clean water act, 33 USC 1251 to 1387, located in
27 Washington, DC, that receives and relays notice of oil discharge or

1 releases of hazardous substances to appropriate federal officials.

2 (P) ~~(e)~~—"Nonocean-going vessel" means a vessel that is not an
3 ocean-going vessel.

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

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

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

18 (T) ~~(i)~~—"Sediments" means any matter settled out of ballast
19 water within a vessel.

20 (U) ~~(j)~~—"Sewage sludge" means sewage sludge generated in the
21 treatment of domestic sewage, other than only septage or industrial
22 waste.

23 (V) ~~(k)~~—"Sewage sludge derivative" means a product for land
24 application derived from sewage sludge that does not include solid
25 waste or other waste regulated under this act.

26 (W) ~~(l)~~—"Sewage sludge generator" means a person who generates
27 sewage sludge that is applied to land.

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

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

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

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

12 Sec. 3122. (1) Until ~~December 31, 2015,~~ **SEPTEMBER 30, 2016,**
 13 the department may levy and collect an annual groundwater discharge
 14 permit fee from facilities **OR MUNICIPALITIES** that discharge
 15 wastewater to the ground or groundwater of this state pursuant to
 16 section 3112. The fee shall be as follows:

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

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

20 (C) **FOR A GROUP 2A FACILITY, \$1,000.00.**

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

22 (2) **BEGINNING OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2019, THE**
 23 **DEPARTMENT MAY LEVY AND COLLECT AN ANNUAL GROUNDWATER DISCHARGE**
 24 **PERMIT FEE FROM FACILITIES OR MUNICIPALITIES THAT DISCHARGE**
 25 **WASTEWATER TO THE GROUND OR GROUNDWATER OF THIS STATE PURSUANT TO**
 26 **SECTION 3112. THE FEE FOR EACH STATE FISCAL YEAR SHALL BE AS**
 27 **FOLLOWS:**

1 (A) FOR A GROUP 1 FACILITY, \$3,910.00.

2 (B) FOR A GROUP 2 FACILITY, \$1,607.00.

3 (C) FOR A GROUP 2A FACILITY, \$1,041.00.

4 (D) FOR A GROUP 3 FACILITY, \$248.00.

5 (E) FOR A MUNICIPALITY OF 1,000 OR FEWER RESIDENTS, \$1,607.00.

6 (3) ~~(2)~~—Within 180 days after receipt of a complete
7 application for a permit to discharge ~~wastewater~~ **WASTEWATER** to the
8 ground or to groundwater, the department shall either grant or deny
9 a permit, unless the applicant and the department agree to extend
10 this time period. If the department fails to make a decision on an
11 application within the time period specified or agreed to under
12 this subsection, an applicant subject to an annual groundwater
13 discharge permit fee shall receive a 15% annual discount on the
14 annual groundwater discharge permit fee.

15 (4) ~~(3)~~—If the person required to pay the annual groundwater
16 discharge permit fee under subsection (1) is a municipality, the
17 municipality may pass on the annual groundwater discharge permit
18 fee to each user of the municipal facility.

19 (5) ~~(4)~~—As used in this section, "group 1 facility", "group 2
20 facility", "**GROUP 2A FACILITY**", and "group 3 facility" do not
21 include a municipality with a population of 1,000 or fewer
22 residents.