

Act No. 79
Public Acts of 2019
Approved by the Governor
September 30, 2019

Filed with the Secretary of State
September 30, 2019

EFFECTIVE DATE: September 30, 2019

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2019**

Introduced by Reps. Cherry and Hernandez

ENROLLED HOUSE BILL No. 4891

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 3122 and 4112 (MCL 324.3122 and 324.4112), section 3122 as amended by 2015 PA 247 and section 4112 as amended by 2015 PA 82.

The People of the State of Michigan enact:

Sec. 3122. (1) Until October 1, 2023, the department may levy and collect an annual groundwater discharge permit fee from facilities or municipalities that discharge wastewater to the ground or groundwater of this state pursuant to section 3112. The fee is as follows:

- (a) For a group 1 facility, \$3,650.00.
- (b) For a group 2 facility or a municipality of 1,000 or fewer residents, \$1,500.00.
- (c) For a group 2a facility, \$250.00.
- (d) For a group 3 facility, \$200.00.

(2) Within 180 days after receipt of a complete application for a permit to discharge wastewater to the ground or to groundwater, the department shall grant or deny a permit, unless the applicant and the department agree to extend this time period. If the department fails to make a decision on an application within the time period specified or agreed to under this subsection, an applicant subject to an annual groundwater discharge permit fee shall receive a 15% annual discount on the annual groundwater discharge permit fee.

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

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

Sec. 4112. (1) Subject to subsection (2), the following projects are eligible for expedited review:

- (a) A conventional gravity sewer extension of 10,000 feet or less of sewer line.
- (b) A simple pumping station and force main.
- (c) A small diameter pressure sewer and grinder pumping station.

(2) An expedited review shall not be conducted for a project that is being funded by the state water pollution control revolving fund created in section 16a of the shared credit rating act, 1985 PA 227, MCL 141.1066a.

(3) To obtain an expedited review, a person shall do all of the following before October 1, 2023:

(a) At least 10 business days before submitting an application under subdivision (b), notify the department electronically, pursuant to instructions provided on the department's website, of his or her intent to request expedited review. The department may waive this 10-day notification requirement.

(b) Submit electronically a complete application for a construction permit including a request for expedited review and credit card payment of the appropriate fee under subsection (4).

(c) Provide a written copy of the construction plans and specifications for the project that has been prepared, signed, and sealed by a licensed professional engineer to the department postmarked not later than the date that the application is submitted electronically.

(d) For nongovernmental entities, provide certification to the department that all necessary contractual service agreements and financial plans are in place.

(4) Except as provided in subsection (6), the fee for an expedited review is as follows:

(a) For a conventional gravity sewer extension less than 2,000 feet, \$1,000.00.

(b) For a conventional gravity sewer extension equal to or greater than 2,000 feet but less than 4,000 feet of sewer line, \$1,500.00, and for each incremental increase of up to 2,000 feet of sewer line, an additional \$500.00.

(c) For a simple pumping station and force main, \$2,000.00.

(d) For a small diameter pressure sewer and grinder pumping station consisting of not more than 2,000 feet of sewer line and not more than 10 grinder pumping stations, \$2,000.00.

(e) For small diameter pressure sewer and grinder pumping station projects not covered by subdivision (d) and consisting of not more than 5,000 feet of sewer line and not more than 25 grinder pumping stations, \$4,000.00.

(5) Except as provided in subsection (7), if an applicant does not comply with subsection (3), the department shall not conduct an expedited review and any submitted fee shall not be refunded. Within 10 business days after receipt of the application, the department shall notify the applicant of the reasons why the department's review of the application will not be expedited. Upon receipt of this notification, a person may correct the deficiencies and resubmit an application and request for an expedited review with the appropriate fee specified under subsection (6). The department shall not reject a resubmitted application and request for expedited review solely because of deficiencies that the department failed to fully identify in the original application.

(6) For a second submission of an application that originally failed to meet the requirements specified in subsection (3), the applicant shall instead include a fee equal to 10% of the fee specified in subsection (4). However, if the deficiency included failure to pay the appropriate fee, the second submission shall include the balance of the appropriate fee plus either 10% of the appropriate fee or, if the applicant makes additional changes other than those items identified by the department as being deficient, an additional fee equal to the fee specified in subsection (4). For the third and each subsequent submittal of an application that failed to meet the requirements specified in subsection (3), the applicant shall include an additional fee equal to the fee specified in subsection (4).

(7) If an applicant fails to sign the application, submits construction plans and specifications that have not been prepared, signed, and sealed by a licensed professional engineer, or does not submit the required fee, the department shall notify the applicant of the deficiency within 5 business days after receiving the application. The application shall not be processed until the deficient items are addressed. If the applicant does not provide the deficient items within 5 business days after notification by the department, the application shall be handled as provided in subsection (5).

(8) The department shall review and make a decision on complete applications submitted with a request for expedited review within 10 business days after receipt by the department of a complete application. However, if the department waives the notification requirement of subsection (3)(a), the department shall review and make a decision on the application within 20 business days after receipt of a complete application.

(9) If the department fails to meet the deadline specified in subsection (8), both of the following apply:

(a) The department shall continue to expedite the application review process for the application.

(b) The fee required under this section for an expedited review shall be refunded.

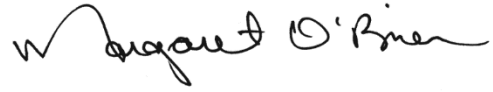
(10) The department shall transmit fees collected under this section to the state treasurer for deposit into the fund.

(11) As used in this section, "complete application" means a department-provided application form that is completed, for which all requested information has been provided, and that can be processed without additional information.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor