

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4874

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 11708 and 11715 (MCL 324.11708 and 324.11715),
section 11708 as amended by 2004 PA 381 and section 11715 as
amended by 2012 PA 41.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11708. ~~(1) Before 1 year after the effective date of the~~
2 ~~2004 amendatory act that added this subsection, if a person is~~
3 ~~engaged in servicing in a receiving facility service area not more~~
4 ~~than 15 road miles from that receiving facility, that person shall~~
5 ~~dispose of the septage waste at that receiving facility or another~~
6 ~~receiving facility in whose service area the person is engaged in~~
7 ~~servicing.~~
8 ~~— (2) Subsection (1) does not apply to a person engaged in~~
9 ~~servicing who owns a storage facility with a capacity of 50,000~~

1 ~~gallons or more.~~

2 (1) ~~(3) Beginning 1 year after the effective date of the 2004~~
3 ~~amendatory act that added this subsection, **SUBJECT TO SUBSECTION**~~
4 ~~(2),~~ if a person is engaged in servicing in a receiving facility
5 service area, that person shall dispose of the septage waste at
6 that receiving facility or any other receiving facility within
7 whose service area the person is engaged in servicing.

8 (2) ~~(4) If **SUBSECTION (1) DOES NOT APPLY TO** a person engaged~~
9 ~~in servicing **WHO** owns a storage facility with a capacity of 50,000~~
10 ~~gallons or more **and IF** the storage facility was constructed, or~~
11 ~~authorized by the department to be constructed, before the location~~
12 ~~where the person is engaged in servicing was included in a~~
13 ~~receiving facility service area under an operating plan approved~~
14 ~~under section 11715b. ~~7~~, ~~subsection (3) does not apply to that~~~~
15 ~~person before the 2025 state fiscal year.~~

16 (3) ~~(5) A receiving facility may charge a fee for receiving~~
17 ~~septage waste. Before 1 year after the effective date of the 2004~~
18 ~~amendatory act that added this subsection, the fee shall not exceed~~
19 ~~the actual costs related to the treatment and storage of the waste.~~
20 ~~Beginning 1 year after the effective date of the 2004 amendatory~~
21 ~~act that added this subsection, the **THE** fee shall not exceed the~~
22 ~~actual costs of operating the receiving facility including the~~
23 ~~reasonable cost of doing business as defined by common accounting~~
24 ~~practices.~~

25 (4) ~~(6) The department may issue an order prohibiting the~~
26 ~~operation of a wastewater treatment plant or structure as a~~
27 ~~receiving facility ~~due to~~ **BECAUSE OF** excessive hydraulic or organic~~

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1 loading, odor problems, or other environmental or public health
2 concerns.

3 (5) ~~(7)~~—A person shall not dispose of septage waste at a
4 wastewater treatment plant or structure if the operation of that
5 wastewater treatment plant or structure as a receiving facility is
6 prohibited by an order issued under subsection ~~(6)~~ (4) or section
7 11715b.

8 Sec. 11715. (1) This part does not preempt an ordinance of a
9 governmental unit that ~~prohibits~~ **DOES ANY OF THE FOLLOWING:**

10 (A) **PROHIBITS** the application of septage waste to land within
11 that governmental unit. ~~or otherwise imposes stricter requirements~~
12 ~~than this part.~~

13 (B) **OTHERWISE IMPOSES STRICTER REQUIREMENTS THAN THIS PART.**
14 **THIS SUBDIVISION APPLIES ONLY IF <<ALL OF THE FOLLOWING REQUIREMENTS**
15 **ARE MET:**

16 (i) **THE RECEIVING FACILITY WAS OPERATING BEFORE THE DATE 2 YEARS**
17 **AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS**
18 **SUBDIVISION.**

19 (ii) **THE RECEIVING FACILITY'S EFFLUENT IS DISCHARGED, EITHER**
DIRECTLY OR THROUGH A SEWER SYSTEM, TO A WASTEWATER TREATMENT PLANT THAT
WAS OPERATING BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
THIS SUBDIVISION.

(iii) **THE RECEIVING FACILITY WAS CONSTRUCTED, OR THE RECEIVING**
FACILITY AND A WASTEWATER TREATMENT PLANT OF WHICH THE RECEIVING
FACILITY IS PART WERE IMPROVED, AT A COST OF \$6,000,000.00 OR MORE.

(iv) **THERE IS OUTSTANDING INDEBTEDNESS FOR THE CONSTRUCTION OR**
IMPROVEMENT DESCRIBED IN SUBPARAGRAPH (iii) >>
20 **CONSISTING ONLY OF BONDS THAT WERE ALSO OUTSTANDING BEFORE THE DATE**
21 **2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED**
22 **THIS SUBDIVISION OR OF LOANS OR BONDS THAT WERE USED TO REDEEM OR**
23 **REFUND THOSE BONDS AND THAT HAVE A MATURITY OR DUE DATE NOT LATER**
24 **THAN 9 YEARS AFTER THE MATURITY DATE OF THOSE BONDS.**

25 (2) If a governmental unit requires that all septage waste
26 collected in that governmental unit be disposed of in a receiving
27 facility or prohibits, or effectively prohibits, the application of

1 septage waste to land within that governmental unit, the
2 governmental unit shall make available a receiving facility that
3 meets all of the following requirements:

4 (a) The receiving facility service area includes the entire
5 governmental unit.

6 (b) The receiving facility can lawfully accept and has the
7 capacity to accept all septage waste generated within that
8 governmental unit that is not lawfully applied to land.

9 (c) If the receiving facility is not owned by that
10 governmental unit, the receiving facility is required by contract
11 to accept all septage waste generated within that governmental unit
12 that is not lawfully applied to land.

13 (3) The owner or operator of a receiving facility may require
14 the posting of a surety, including cash in an escrow account or a
15 performance bond, not exceeding \$25,000.00 to dispose of septage
16 waste in the receiving facility.

17 Enacting section 1. This amendatory act takes effect upon the
18 expiration of 90 days after the date it is enacted into law.