

Act No. 546
Public Acts of 2014
Approved by the Governor
January 10, 2015
Filed with the Secretary of State
January 15, 2015
EFFECTIVE DATE: April 16, 2015

STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014

Introduced by Reps. Goike, Pettalia, Lauwers, Rendon, McBroom, Kurtz, Daley, Kivela, Bumstead, Kelly, Victory, Foster, Franz, Johnson, Shirkey, MacMaster, Dianda and Potvin

ENROLLED HOUSE BILL No. 4874

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 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:

Sec. 11708. (1) Subject to subsection (2), if a person is engaged in servicing in a receiving facility service area, that person shall dispose of the septage waste at that receiving facility or any other receiving facility within whose service area the person is engaged in servicing.

(2) Subsection (1) does not apply to a person engaged in servicing who owns a storage facility with a capacity of 50,000 gallons or more if the storage facility was constructed, or authorized by the department to be constructed, before the location where the person is engaged in servicing was included in a receiving facility service area under an operating plan approved under section 11715b.

(3) A receiving facility may charge a fee for receiving septage waste. The fee shall not exceed the actual costs of operating the receiving facility including the reasonable cost of doing business as defined by common accounting practices.

(4) The department may issue an order prohibiting the operation of a wastewater treatment plant or structure as a receiving facility because of excessive hydraulic or organic loading, odor problems, or other environmental or public health concerns.

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

Sec. 11715. (1) This part does not preempt an ordinance of a governmental unit that does any of the following:

(a) Prohibits the application of septage waste to land within that governmental unit.

(b) Otherwise imposes stricter requirements than this part. This subdivision applies only if all of the following requirements are met:

(i) The receiving facility was operating before the date 2 years after the effective date of the amendatory act that added this subdivision.

(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) consisting only of bonds that were also outstanding before the date 2 years after the effective date of the amendatory act that added this subdivision or of loans or bonds that were used to redeem or refund those bonds and that have a maturity or due date not later than 9 years after the maturity date of those bonds.

(2) If a governmental unit requires that all septage waste collected in that governmental unit be disposed of in a receiving facility or prohibits, or effectively prohibits, the application of septage waste to land within that governmental unit, the governmental unit shall make available a receiving facility that meets all of the following requirements:

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

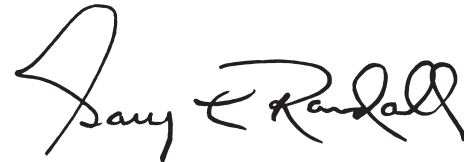
(b) The receiving facility can lawfully accept and has the capacity to accept all septage waste generated within that governmental unit that is not lawfully applied to land.

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

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

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor