

HOUSE BILL No. 6439

September 24, 2002, Introduced by Rep. Kolb and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 3111 and 3113 (MCL 324.3111 and 324.3113).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3111. (1) A person doing business within this state
2 who discharges to the waters of the state or to any sewer system
3 wastewater that contains wastes ~~in addition to~~ OTHER THAN san-
4 itary sewage shall file an annual report on a form provided by
5 the department. The report described in this section shall set
6 forth the nature of the enterprise, indicating the quantities of
7 materials used in and incidental to its manufacturing processes
8 and including by-products and waste products that appear on a
9 register of critical materials compiled by the department and the
10 estimated annual total number of gallons of wastewater,

1 including, but not limited to, process and cooling water to be
2 discharged to the waters of the state or to any sewer system.

3 (2) The information COLLECTED UNDER SUBSECTION (1) shall be
4 used by the department only for purposes of water pollution
5 control. The department shall provide proper and adequate facil-
6 ities and procedures to safeguard the confidentiality of manufac-
7 turing proprietary processes, except that confidentiality shall
8 not extend to waste products discharged to the waters of the
9 state.

10 (3) THE DEPARTMENT SHALL COMPILE THE INFORMATION COLLECTED
11 UNDER SUBSECTION (1) AND SHALL MAKE THAT COMPILATION AVAILABLE ON
12 THE DEPARTMENT'S WEBSITE.

13 (4) Operations of a business or industry that violate this
14 section may be enjoined by an action commenced by the attorney
15 general in a court of competent jurisdiction.

16 (5) The department shall promulgate rules as it considers
17 necessary to ~~effectuate the administration of~~ IMPLEMENT this
18 section, including, ~~where~~ IF necessary to meet special circum-
19 stances, reporting more frequently than annually.

20 Sec. 3113. (1) A person who seeks a new or increased use of
21 the waters of the state for sewage or other waste disposal pur-
22 poses shall file with the department ~~an~~ A PERMIT application
23 setting forth the information required by the department, includ-
24 ing the nature of the enterprise or development contemplated, the
25 amount of water required to be used, its source, the proposed
26 point of discharge of the wastes into the waters of the state,
27 the estimated amount to be discharged, and a statement setting

1 forth the expected bacterial, physical, chemical, and other known
2 characteristics of the wastes.

3 (2) Within 180 days after receipt of a complete application
4 UNDER SUBSECTION (1), the department shall either grant or deny a
5 permit, unless the applicant and the department agree to extend
6 this time period.

7 (3) THE DEPARTMENT SHALL NOT ISSUE A PERMIT UNDER THIS SEC-
8 TION UNLESS THE APPLICANT HAS DEMONSTRATED TO THE SATISFACTION OF
9 THE DEPARTMENT THAT ALL REASONABLE STEPS HAVE BEEN TAKEN TO PRE-
10 VENT THE PRESENCE OF CONTAMINANTS IN THE DISCHARGE.

11 (4) If a permit is granted, the department shall condition
12 the permit upon such restrictions that the department considers
13 necessary to adequately guard against unlawful uses of the waters
14 of the state as are set forth in section 3109 AND THE PAYMENT OF
15 THE ANNUAL WASTEWATER DISCHARGE ENVIRONMENTAL FEE UNDER
16 SECTION 3113B.

17 (5) ~~(3)~~ If the permit or denial of a new or increased use
18 is not acceptable to the permittee, the applicant, or any other
19 person, the permittee, the applicant, or other person may file a
20 sworn petition with the department setting forth the grounds and
21 reasons for the complaint and asking for a contested case hearing
22 on the matter pursuant to the administrative procedures act of
23 1969, ~~Act No. 306 of the Public Acts of 1969, being sections~~
24 ~~24.201 to 24.328 of the Michigan Compiled Laws~~ 1969 PA 306,
25 MCL 24.201 TO 24.328. A petition filed more than 60 days after
26 action on the permit application may be rejected by the
27 ~~commission~~ DEPARTMENT as being untimely.

1 Enacting section 1. This amendatory act does not take
2 effect unless all of the following bills of the 91st Legislature
3 are enacted into law:

4 (a) Senate Bill No. _____ or House Bill No. 6441
5 (request no. 07372'02).

6 (b) Senate Bill No. _____ or House Bill No. 6440
7 (request no. 07373'02).

8 (c) Senate Bill No. _____ or House Bill No. 6438
9 (request no. 07375'02).