

# SENATE BILL No. 251

March 4, 2003, Introduced by Senators BASHAM, JACOBS, GOSCHKA, CHERRY, OLSHOVE, CLARK-COLEMAN, SCHAUER, BERNERO, BRATER, SCOTT and CLARKE and referred to the Committee on Natural Resources and Environmental Affairs.

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**  
4 sanitary 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,  
11 including, but not limited to, process and cooling water to be

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1 discharged to the waters of the state or to any sewer system.

2       **(2)** The information **collected under subsection (1)** shall be  
3 used by the department only for purposes of water pollution  
4 control. The department shall provide proper and adequate  
5 facilities and procedures to safeguard the confidentiality of  
6 manufacturing proprietary processes, except that confidentiality  
7 shall not extend to waste products discharged to the waters of  
8 the state.

9       **(3)** **The department shall compile the information collected**  
10 **under subsection (1) and shall make that compilation available on**  
11 **the department's website.**

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

15       **(5)** The department shall promulgate rules as it considers  
16 necessary to ~~effectuate the administration of~~ **implement** this  
17 section, including, ~~where~~ **if** necessary to meet special  
18 circumstances, reporting more frequently than annually.

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

1 chemical, and other known characteristics of the wastes.

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

6 (3) **The department shall not issue a permit under this**  
7 **section unless the applicant has demonstrated to the satisfaction**  
8 **of the department that all reasonable steps have been taken to**  
9 **prevent the presence of contaminants in the discharge.**

10 (4) If a permit is granted, the department shall condition  
11 the permit upon such restrictions that the department considers  
12 necessary to adequately guard against unlawful uses of the waters  
13 of the state as are set forth in section 3109 **and the payment of**  
14 **the annual wastewater discharge environmental fee under**  
15 **section 3113b.**

16 (5) ~~(3)~~ If the permit or denial of a new or increased use  
17 is not acceptable to the permittee, the applicant, or any other  
18 person, the permittee, the applicant, or other person may file a  
19 sworn petition with the department setting forth the grounds and  
20 reasons for the complaint and asking for a contested case hearing  
21 on the matter pursuant to the administrative procedures act of  
22 1969, ~~Act No. 306 of the Public Acts of 1969, being sections~~  
23 ~~24.201 to 24.328 of the Michigan Compiled Laws~~ **1969 PA 306,**  
24 **MCL 24.201 to 24.328.** A petition filed more than 60 days after  
25 action on the permit application may be rejected by the  
26 ~~commission~~ **department** as being untimely.

27 Enacting section 1. This amendatory act does not take

1 effect unless all of the following bills of the 92nd Legislature  
2 are enacted into law:

3 (a) Senate Bill No. 252.

4

5 (b) Senate Bill No. 253.

6

7 (c) Senate Bill No. 250.

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