

HOUSE BILL No. 4441

April 14, 2015, Introduced by Reps. Sarah Roberts and Victory and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104, 3118, 3120, 3122, 4112, 11525a, 17303, and 17317 (MCL 324.3104, 324.3118, 324.3120, 324.3122, 324.4112, 324.11525a, 324.17303, and 324.17317), sections 3104, 3118, 3120, and 3122 as amended by 2011 PA 90, section 4112 as amended by 2010 PA 302, section 11525a as amended by 2013 PA 72, section 17303 as added by 2008 PA 394, and section 17317 as added by 2008 PA 395.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3104. (1) The department is designated the state agency
2 to cooperate and negotiate with other governments, governmental
3 units, and governmental agencies in matters concerning the water
4 resources of the state, including, but not limited to, flood
5 control, beach erosion control, water quality control planning,
6 development, and management, and the control of aquatic nuisance

1 species. The department shall have control over the alterations of
2 natural or present watercourses of all rivers and streams in ~~the~~
3 **THIS** state to assure that the channels and the portions of the
4 floodplains that are the floodways are not inhabited and are kept
5 free and clear of interference or obstruction that will cause any
6 undue restriction of the capacity of the floodway. The department
7 may take steps as may be necessary to take advantage of any act of
8 congress that may be of assistance in carrying out the purposes of
9 this part, including the water resources planning act, 42 USC 1962
10 to 1962d-3, and the federal water pollution control act, 33 USC
11 1251 to 1387.

12 (2) To address discharges of aquatic nuisance species from
13 oceangoing vessels that damage water quality, aquatic habitat, or
14 fish or wildlife, the department shall facilitate the formation of
15 a Great Lakes aquatic nuisance species coalition. The Great Lakes
16 aquatic nuisance species coalition shall be formed through an
17 agreement entered into with other states in the Great Lakes basin
18 to implement on a basin-wide basis water pollution laws that
19 prohibit the discharge of aquatic nuisance species into the Great
20 Lakes from oceangoing vessels. The department shall seek to enter
21 into an agreement that will become effective not later than January
22 1, 2007. The department shall consult with the department of
23 natural resources prior to entering into this agreement. Upon
24 entering into the agreement, the department shall notify the
25 Canadian Great Lakes provinces of the terms of the agreement. The
26 department shall seek funding from the Great Lakes protection fund
27 authorized under part 331 to implement the Great Lakes aquatic

1 nuisance species coalition.

2 (3) The department shall report to the governor and to the
3 legislature at least annually on any plans or projects being
4 implemented or considered for implementation. The report shall
5 include requests for any legislation needed to implement any
6 proposed projects or agreements made necessary as a result of a
7 plan or project, together with any requests for appropriations. The
8 department may make recommendations to the governor on the
9 designation of areawide water quality planning regions and
10 organizations relative to the governor's responsibilities under the
11 federal water pollution control act, 33 USC 1251 to 1387.

12 (4) A person shall not alter a floodplain except as authorized
13 by a floodplain permit issued by the department pursuant to part
14 13. An application for a permit shall include information that may
15 be required by the department to assess the proposed alteration's
16 impact on the floodplain. If an alteration includes activities at
17 multiple locations in a floodplain, 1 application may be filed for
18 combined activities.

19 (5) Except as provided in subsections (6), (7), and (9), until
20 October 1, ~~2015~~, **2019**, an application for a floodplain permit shall
21 be accompanied by a fee of \$500.00. Until October 1, ~~2015~~, **2019**, if
22 the department determines that engineering computations are
23 required to assess the impact of a proposed floodplain alteration
24 on flood stage or discharge characteristics, the department shall
25 assess the applicant an additional \$1,500.00 to cover the
26 department's cost of review.

27 (6) Until October 1, ~~2015~~, **2019**, an application for a

1 floodplain permit for a minor project category shall be accompanied
2 by a fee of \$100.00. Minor project categories shall be established
3 by rule and shall include activities and projects that are similar
4 in nature and have minimal potential for causing harmful
5 interference.

6 (7) If work has been done in violation of a permit requirement
7 under this part and restoration is not ordered by the department,
8 the department may accept an application for a permit for that work
9 if the application is accompanied by a fee equal to 2 times the
10 permit fee required under subsection (5) or (6).

11 (8) The department shall forward fees collected under this
12 section to the state treasurer for deposit in the land and water
13 management permit fee fund created in section 30113.

14 (9) A project that requires review and approval under this
15 part and 1 or more of the following is subject to only the single
16 highest permit fee required under this part or the following:

17 (a) Part 301.

18 (b) Part 303.

19 (c) Part 323.

20 (d) Part 325.

21 (e) Section 117 of the land division act, 1967 PA 288, MCL
22 560.117.

23 Sec. 3118. (1) Except as otherwise provided in this section,
24 until October 1, ~~2015~~, **2019**, the department shall collect storm
25 water discharge fees from persons who apply for or have been issued
26 storm water discharge permits as follows:

27 (a) A 1-time fee of \$400.00 is required for a permit related

1 solely to a site of construction activity for each permitted site.
2 The fee shall be submitted by the permit applicant with his or her
3 application for an individual permit or for a certificate of
4 coverage under a general permit. For a permit by rule, the fee
5 shall be submitted by the construction site permittee along with
6 his or her notice of coverage. A person needing more than 1 permit
7 may submit a single payment for more than 1 permit and receive
8 appropriate credit. Payment of the fee under this subdivision or
9 verification of prepayment is a necessary part of a valid permit
10 application or notice of coverage under a permit by rule.

11 (b) An annual fee of \$260.00 is required for a permit related
12 solely to a storm water discharge associated with industrial
13 activity or from a commercial site for which the department
14 determines a permit is needed.

15 (c) An annual fee of \$500.00 is required for a permit for a
16 municipal separate storm sewer system, unless the permit is issued
17 to a city, a village, a township, or a county or is a single permit
18 authorization for municipal separate storm sewer systems in
19 multiple locations statewide.

20 (d) An annual fee for a permit for a municipal separate storm
21 sewer system issued to a city, village, or township shall be
22 determined by its population in an urbanized area as defined by the
23 United States ~~bureau of the census.~~ **BUREAU OF THE CENSUS.** The fee
24 shall be based on the latest available decennial census as follows:

25 (i) For a population of 1,000 people or fewer, the annual fee
26 is \$500.00.

27 (ii) For a population of more than 1,000 people, but fewer than

1 3,001 people, the annual fee is \$1,000.00.

2 (iii) For a population of more than 3,000 people, but fewer than
3 10,001 people, the annual fee is \$2,000.00.

4 (iv) For a population of more than 10,000 people, but fewer
5 than 30,001 people, the annual fee is \$3,000.00.

6 (v) For a population of more than 30,000 people, but fewer
7 than 50,001 people, the annual fee is \$4,000.00.

8 (vi) For a population of more than 50,000 people, but fewer
9 than 75,001 people, the annual fee is \$5,000.00.

10 (vii) For a population of more than 75,000 people, but fewer
11 than 100,001 people, the annual fee is \$6,000.00.

12 (viii) For a population of more than 100,000 people, the annual
13 fee is \$7,000.00.

14 (e) An annual fee of \$3,000.00 is required for a permit for a
15 municipal separate storm sewer system issued to a county.

16 (f) An annual fee for a single municipal separate storm sewer
17 systems permit authorizing a state or federal agency to operate
18 municipal separate storm sewer systems in multiple locations
19 statewide shall be determined in accordance with a memorandum of
20 understanding between that state or federal agency and the
21 department and shall be based on the projected needs by the
22 department to administer the permit.

23 (2) A storm water discharge permit is not required for a
24 municipality that does not own or operate a separate storm sewer
25 system. The department shall not collect storm water discharge fees
26 under this section from a municipality that does not own or operate
27 a separate storm sewer system.

1 (3) Permit fees required under this section are nonrefundable.

2 (4) A person possessing a permit not related solely to a site
3 of construction activity as of January 1 shall be assessed a fee.
4 The department shall notify those persons of their fee assessments
5 by February 1. Payment shall be postmarked no later than March 15.
6 Failure by the department to send a fee assessment notification by
7 the deadline, or failure of a person to receive a fee assessment
8 notification, does not relieve that person of his or her obligation
9 to pay the fee. If the department does not meet the February
10 deadline for sending the fee assessment, the fee assessment is due
11 not later than 45 days after the permittee receives a fee
12 notification.

13 (5) If a storm water permit is issued for a drainage district,
14 the drainage district is responsible for the applicable fee under
15 this section.

16 (6) The department shall assess interest on all fee payments
17 submitted under this section after the due date. The permittee
18 shall pay an additional amount equal to 0.75% of the payment due
19 for each month or portion of a month the payment remains past due.

20 (7) The department shall forward all fees and interest
21 payments collected under this section to the state treasurer for
22 deposit into the fund.

23 (8) The department shall make payment of the required fee
24 assessed under this section a condition of issuance or reissuance
25 of a permit not related solely to a site of construction activity.

26 (9) In addition to any other penalty provided in this part, if
27 a person fails to pay the fee required under this section by its

1 due date, the person is in violation of this part and the
2 department may undertake enforcement actions as authorized under
3 this part.

4 (10) The attorney general may bring an action to collect
5 overdue fees and interest payments imposed under this section.

6 (11) If the permit is for a municipal separate storm sewer
7 system and the population served by that system is different than
8 the latest decennial census, the permittee may appeal the annual
9 fee determination and submit written verification of actual
10 population served by the municipal separate storm sewer system.

11 (12) A person who wishes to appeal either a fee or a penalty
12 assessed under this section is limited to an administrative appeal,
13 in accordance with section 631 of the revised judicature act of
14 1961, 1961 PA 236, MCL 600.631. The appeal shall be filed within 30
15 days of the department's fee notification under subsection (4).

16 (13) As used in this section and section 3119:

17 (a) "Certificate of coverage" means a document issued by the
18 department that authorizes a discharge under a general permit.

19 (b) "Clean water act" means the federal water pollution
20 control act, 33 USC 1251 to 1387.

21 (c) "Construction activity" means a human-made earth change or
22 disturbance in the existing cover or topography of land that is 5
23 acres or more in size, for which a national permit is required
24 pursuant to 40 CFR 122.26(a), and which is described as a
25 construction activity in 40 CFR 122.26(b)(14)(x). Construction
26 activity includes clearing, grading, and excavating activities.
27 Construction activity does not include the practice of clearing,

1 plowing, tilling soil, and harvesting for the purpose of crop
2 production.

3 (d) "Fee" means a storm water discharge fee authorized under
4 this section.

5 (e) "Fund" means the storm water fund created in section 3119.

6 (f) "General permit" means a permit issued authorizing a
7 category of similar discharges.

8 (g) "Individual permit" means a site-specific permit.

9 (h) "Municipal separate storm sewer system" means all separate
10 storm sewers that are owned or operated by the United States or a
11 state, city, village, township, county, district, association, or
12 other public body created by or pursuant to state law, having
13 jurisdiction over disposal of sewage, industrial wastes, storm
14 water, or other wastes, including special districts under state
15 law, such as a sewer district, flood control district, or drainage
16 district or similar entity, or a designated or approved management
17 agency under section 208 of the clean water act, 33 USC 1288, that
18 discharges to waters of the state. Municipal separate storm sewer
19 system includes systems similar to separate storm sewer systems in
20 municipalities, such as systems at military bases, large hospital
21 or prison complexes, and highways and other thoroughfares.

22 Municipal separate storm sewer system does not include separate
23 storm sewers in very discrete areas, such as individual buildings.

24 (i) "Notice of coverage" means a notice that a person engaging
25 in construction activity agrees to comply with a permit by rule for
26 that activity.

27 (j) "Permit" or "storm water discharge permit" means a permit

1 authorizing the discharge of wastewater or any other substance to
2 surface waters of the state under the national pollutant discharge
3 elimination system, pursuant to the clean water act or this part
4 and the rules and regulations promulgated under that act or this
5 part.

6 (k) "Public body" means the United States, the state of
7 Michigan, a city, village, township, county, school district,
8 public college or university, or single purpose governmental
9 agency, or any other body that is created by federal or state
10 statute or law.

11 (l) "Separate storm sewer system" means a system of drainage,
12 including, but not limited to, roads, catch basins, curbs, gutters,
13 parking lots, ditches, conduits, pumping devices, or man-made
14 channels, that has the following characteristics:

15 (i) The system is not a combined sewer where storm water mixes
16 with sanitary wastes.

17 (ii) The system is not part of a publicly owned treatment
18 works.

19 (m) "Storm water" means storm water runoff, snowmelt runoff,
20 and surface runoff and drainage.

21 (n) "Storm water discharge associated with industrial
22 activity" means a point source discharge of storm water from a
23 facility that is defined as an industrial activity under 40 CFR
24 122.26(b)(14)(i) to (ix) and (xi).

25 Sec. 3120. (1) Until October 1, ~~2015~~, **2019**, an application for
26 a new permit, a reissuance of a permit, or a modification of an
27 existing permit under this part authorizing a discharge into

1 surface water, other than a storm water discharge, shall be
2 accompanied by an application fee as follows:

3 (a) For an EPA major facility permit, \$750.00.

4 (b) For an EPA minor facility individual permit, a CSO permit,
5 or a wastewater stabilization lagoon individual permit, \$400.00.

6 (c) For an EPA minor facility general permit, \$75.00.

7 (2) Within 180 days after receipt of a complete application
8 for a new or increased use permit, the department shall either
9 grant or deny the permit, unless the applicant and the department
10 agree to extend this time period.

11 (3) By September 30 of the year following the submittal of a
12 complete application for reissuance of a permit, the department
13 shall either grant or deny the permit, unless the applicant and the
14 department agree to extend this time period.

15 (4) If the department fails to make a decision on an
16 application within the applicable time period under subsection (2)
17 or (3), the department shall return to the applicant the
18 application fee submitted under subsection (1) and the applicant
19 shall not be subject to an application fee and shall receive a 15%
20 annual discount on an annual permit fee required for a permit
21 issued based upon that application.

22 (5) Until October 1, ~~2015~~, **2019**, a person who receives a
23 permit under this part authorizing a discharge into surface water,
24 other than a stormwater discharge, is subject to an annual permit
25 fee as follows:

26 (a) For an industrial or commercial facility that is an EPA
27 major facility, \$8,700.00.

1 (b) For an industrial or commercial facility that is an EPA
2 minor facility, the following amounts:

3 (i) For a general permit for a low-flow facility, \$150.00.

4 (ii) For a general permit for a high-flow facility, \$400.00.

5 (iii) For an individual permit for a low-flow facility,
6 \$1,650.00.

7 (iv) For an individual permit for a high-flow facility,
8 \$3,650.00.

9 (c) For a municipal facility that is an EPA major facility,
10 the following amounts:

11 (i) For an individual permit for a facility discharging 500 MGD
12 or more, \$213,000.00.

13 (ii) For an individual permit for a facility discharging 50 MGD
14 or more but less than 500 MGD, \$20,000.00.

15 (iii) For an individual permit for a facility discharging 10 MGD
16 or more but less than 50 MGD, \$13,000.00.

17 (iv) For an individual permit for a facility discharging less
18 than 10 MGD, \$5,500.00.

19 (d) For a municipal facility that is an EPA minor facility,
20 the following amounts:

21 (i) For an individual permit for a facility discharging 10 MGD
22 or more, \$3,775.00.

23 (ii) For an individual permit for a facility discharging 1 MGD
24 or more but less than 10 MGD, \$3,000.00.

25 (iii) For an individual permit for a facility discharging less
26 than 1 MGD, \$1,950.00.

27 (iv) For a general permit for a high-flow facility, \$600.00.

1 (v) For a general permit for a low-flow facility, \$400.00.

2 (e) For a municipal facility that is a CSO facility,
3 \$6,000.00.

4 (f) For an individual permit for a wastewater stabilization
5 lagoon, \$1,525.00.

6 (g) For an individual or general permit for an agricultural
7 purpose, \$600.00, unless either of the following applies:

8 (i) The facility is an EPA minor facility and would qualify for
9 a general permit for a low-flow facility, in which case the fee is
10 \$150.00.

11 (ii) The facility is an EPA major facility that is not a
12 farmers' cooperative corporation, in which case the fee is
13 \$8,700.00.

14 (h) For a facility that holds a permit issued under this part
15 but has no discharge and is connected to and is authorized to
16 discharge only to a municipal wastewater treatment system, an
17 annual permit maintenance fee of \$100.00. However, if a facility
18 does have a discharge or at some point is no longer connected to a
19 municipal wastewater treatment system, the annual permit fee shall
20 be the appropriate fee as otherwise provided in this subsection.

21 (6) If the person required to pay an application fee under
22 subsection (1) or an annual permit fee under subsection (5) is a
23 municipality, the municipality may pass on the application fee or
24 the annual permit fee, or both, to each user of the municipal
25 facility.

26 (7) The department shall send invoices for annual permit fees
27 under subsection (5) to all permit holders by December 1 of each

1 year. The fee shall be based on the status of the facility as of
2 October 1 of that year. A person subject to an annual permit fee
3 shall pay the fee not later than January 15 of each year. Failure
4 by the department to send an invoice by the deadline, or failure of
5 a person to receive an invoice, does not relieve that person of his
6 or her obligation to pay the annual permit fee. If the department
7 does not meet the December 1 deadline for sending invoices, the
8 annual permit fee is due not later than 45 days after receiving an
9 invoice. The department shall forward annual permit fees received
10 under this section to the state treasurer for deposit into the
11 national pollutant discharge elimination system fund created in
12 section 3121.

13 (8) The department shall assess a penalty on all annual permit
14 fee payments submitted under this section after the due date. The
15 penalty shall be an amount equal to 0.75% of the payment due for
16 each month or portion of a month the payment remains past due.

17 (9) Following payment of an annual permit fee, if a permittee
18 wishes to challenge its annual permit fee under this section, the
19 owner or operator shall submit the challenge in writing to the
20 department. The department shall not process the challenge unless
21 it is received by the department by March 1 of the year the payment
22 is due. A challenge shall identify the facility and state the
23 grounds upon which the challenge is based. Within 30 calendar days
24 after receipt of the challenge, the department shall determine the
25 validity of the challenge and provide the permittee with
26 notification of a revised annual permit fee and a refund, if
27 appropriate, or a statement setting forth the reason or reasons why

1 the annual permit fee was not revised. If the owner or operator of
2 a facility desires to further challenge its annual permit fee, the
3 owner or operator of the facility has an opportunity for a
4 contested case hearing as provided for under the administrative
5 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

6 (10) The attorney general may bring an action for the
7 collection of the annual permit fee imposed under this section.

8 (11) As used in this section:

9 (a) "Agricultural purpose" means the agricultural production
10 or processing of those plants and animals useful to human beings
11 produced by agriculture and includes, but is not limited to,
12 forages and sod crops, grains and feed crops, field crops, dairy
13 animals and dairy products, poultry and poultry products, cervidae,
14 livestock, including breeding and grazing, equine, fish and other
15 aquacultural products, bees and bee products, berries, herbs,
16 fruits, vegetables, flowers, seeds, grasses, nursery stock, trees
17 and tree products, mushrooms, and other similar products, or any
18 other product, as determined by the commission of agriculture and
19 rural development, that incorporates the use of food, feed, fiber,
20 or fur. Agricultural purpose includes an operation or facility that
21 produces wine.

22 (b) "Combined sewer overflow" means a discharge from a
23 combined sewer system that occurs when the flow capacity of the
24 combined sewer system is exceeded at a point prior to the headworks
25 of a publicly owned treatment works during wet weather conditions.

26 (c) "Combined sewer system" means a sewer designed and used to
27 convey both storm water runoff and sanitary sewage, and that

1 contains lawfully installed regulators and control devices that
2 allow for delivery of sanitary flow to treatment during dry weather
3 periods and divert storm water and sanitary sewage to surface
4 waters during storm flow periods.

5 (d) "CSO facility" means a facility whose discharge is solely
6 a combined sewer overflow.

7 (e) "EPA major facility" means a facility that is designated
8 by the United States ~~environmental protection agency~~ **ENVIRONMENTAL**
9 **PROTECTION AGENCY** as being a major facility under 40 CFR 122.2.

10 (f) "EPA minor facility" means a facility that is not an EPA
11 major facility.

12 (g) "Farmers' cooperative corporation" means a farmers'
13 cooperative corporation organized within the limitations of section
14 98 of 1931 PA 327, MCL 450.98.

15 (h) "General permit" means a permit suitable for use at
16 facilities meeting eligibility criteria as specified in the permit.
17 With a general permit, the discharge from a specific facility is
18 acknowledged through a certificate of coverage issued to the
19 facility.

20 (i) "High-flow facility" means a facility that discharges 1
21 MGD or more.

22 (j) "Individual permit" means a permit developed for a
23 particular facility, taking into account that facility's specific
24 characteristics.

25 (k) "Industrial or commercial facility" means a facility that
26 is not a municipal facility.

27 (l) "Low-flow facility" means a facility that discharges less

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as amended June 3, 2015

1 than 1 MGD.

2 (m) "MGD" means 1,000,000 gallons per day.

3 (n) "Municipal facility" means a facility that is designed to
4 collect or treat sanitary wastewater, and is either publicly or
5 privately owned, and serves a residential area or a group of
6 municipalities.

7 (o) "Wastewater stabilization lagoon" means a type of
8 treatment system constructed of ponds or basins designed to
9 receive, hold, and treat sanitary wastewater for a predetermined
10 amount of time through a combination of physical, biological, and
11 chemical processes.

12 Sec. 3122. (1) Until ~~<<October 1, 2015, []>>~~ **<<DECEMBER 31, 2015, []>>**, the
13 department may

14 levy and collect an annual groundwater discharge permit fee from
15 facilities that discharge wastewater to the ground or groundwater
16 of this state pursuant to section 3112. The fee shall be as
17 follows:

18 (a) For a group 1 facility, \$3,650.00.

19 (b) For a group 2 facility or a municipality of 1,000 or fewer
20 residents, \$1,500.00.

21 (c) For a group 3 facility, \$200.00.

22 (2) Within 180 days after receipt of a complete application
23 for a permit to discharge wastewater to the ground or to
24 groundwater, the department shall either grant or deny a permit,
25 unless the applicant and the department agree to extend this time
26 period. If the department fails to make a decision on an
27 application within the time period specified or agreed to under
28 this subsection, an applicant subject to an annual groundwater

1 discharge permit fee shall receive a 15% annual discount on the
2 annual groundwater discharge permit fee.

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

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

10 Sec. 4112. ~~(1) For projects described in subsection (2), an~~
11 ~~expedited review process shall be available through September 30,~~
12 ~~2015. To be eligible for expedited review, an applicant shall~~
13 ~~submit all of the items under subsection (4) not later than~~
14 ~~September 30, 2015.~~

15 (1) ~~(2)~~ Subject to subsection ~~(3)~~, **(2)**, the following projects
16 are eligible for expedited review:

17 (a) A conventional gravity sewer extension of 10,000 feet or
18 less of sewer line.

19 (b) A simple pumping station and force main.

20 (c) A small diameter pressure sewer and grinder pumping
21 station.

22 (2) ~~(3)~~ An expedited review shall not be conducted for a
23 project that is being funded by the state water pollution control
24 revolving fund created in section 16a of the shared credit rating
25 act, 1985 PA 227, MCL 141.1066a.

26 (3) ~~(4) A person requesting~~ **TO OBTAIN** an expedited review, **A**
27 **PERSON** shall do all of the following **BY SEPTEMBER 30, 2019**:

1 (a) At least 10 business days prior to submitting an
2 application under subdivision (b), notify the department
3 electronically, in accordance with the instructions provided on the
4 department's website, of his or her intent to request expedited
5 review. The department may waive this 10-day notification
6 requirement.

7 (b) Submit electronically a complete application for a
8 construction permit including a request for expedited review and
9 including, via credit card, the appropriate fee under subsection
10 ~~(5)~~ (4).

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

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

19 (4) ~~(5)~~—Except as provided in subsection ~~(7)~~, (6), the fee for
20 an expedited review is as follows:

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

23 (b) For a conventional gravity sewer extension equal to or
24 greater than 2,000 feet but less than 4,000 feet of sewer line,
25 \$1,500.00, and for each incremental increase of up to 2,000 feet of
26 sewer line, an additional \$500.00.

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

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

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

8 (5) ~~(6)~~—Except as provided in subsection ~~(8)~~,—(7), if an
9 applicant does not comply with subsection ~~(4)~~,—(3), the department
10 shall not conduct an expedited review and any submitted fee shall
11 not be refunded. Within 10 business days after receipt of the
12 application, the department shall notify the applicant of the
13 reasons why the department's review of the application will not be
14 expedited. Upon receipt of this notification, a person may correct
15 the deficiencies and resubmit an application and request for an
16 expedited review with the appropriate fee specified under
17 subsection ~~(7)~~.—(6). The department shall not reject a resubmitted
18 application and request for expedited review solely because of
19 deficiencies that the department failed to fully identify in the
20 original application.

21 (6) ~~(7)~~—For a second submission of an application that
22 originally failed to meet the requirements specified in subsection
23 ~~(4)~~,—(3), the applicant shall instead include a fee equal to 10% of
24 the fee specified in subsection ~~(5)~~.—(4). However, if the
25 deficiency included failure to pay the appropriate fee, the second
26 submission shall include the balance of the appropriate fee plus
27 10% of the appropriate fee. If the applicant makes additional

1 changes other than those items identified by the department as
2 being deficient, the applicant shall instead include an additional
3 fee equal to the fee specified in subsection ~~(5)~~-(4). For the
4 third and each subsequent submittal of an application that failed
5 to meet the requirements specified in subsection ~~(4)~~-(3), the
6 applicant shall include an additional fee equal to the fee
7 specified in subsection ~~(5)~~-(4).

8 (7) ~~(8)~~—If an applicant fails to sign the application, submits
9 construction plans and specifications that have not been prepared,
10 signed, and sealed by a licensed professional engineer, or submits
11 an insufficient fee, the department shall notify the applicant
12 within 5 business days of the deficiency. The application shall not
13 be processed until the deficient items are addressed. If the
14 applicant does not provide the deficient items within 5 business
15 days after notification by the department, the application shall be
16 handled as provided in subsection ~~(4)~~-(5).

17 (8) ~~(9)~~—The department shall review and make a decision on
18 complete applications submitted with a request for expedited review
19 within 10 business days of receipt by the department of a complete
20 application. However, if the department waives the notification
21 requirement of subsection ~~(4)(a)~~-(3) (A), the department shall
22 review and make a decision on the application within 20 business
23 days of receipt of a complete application.

24 (9) ~~(10)~~—If the department fails to meet the deadline
25 specified in subsection ~~(9)~~-(8), the department shall continue to
26 expedite the application review process for an application
27 submitted under this section. However, the fee for an expedited

1 review required under this section shall be refunded if the
2 department fails to meet the deadline established in subsection
3 ~~(9)~~.~~(8)~~.

4 (10) ~~(11)~~—The department shall transmit fees collected under
5 this section to the state treasurer for deposit into the fund.

6 (11) ~~(12)~~—As used in this section, "complete application"
7 means that a department-provided application form is completed, all
8 requested information has been provided, and the application can be
9 processed without additional information.

10 Sec. 11525a. (1) The owner or operator of a landfill shall pay
11 a surcharge as follows:

12 (a) Except as provided in subdivision (b), 12 cents for each
13 cubic yard or portion of a cubic yard of solid waste or municipal
14 solid waste incinerator ash that is disposed of in the landfill
15 before October 1, ~~2015~~.~~2019~~.

16 (b) For type III landfills that are captive facilities, the
17 following annual amounts:

18 (i) For a captive facility that receives 100,000 or more cubic
19 yards of waste, \$3,000.00.

20 (ii) For a captive facility that receives 75,000 or more but
21 less than 100,000 cubic yards of waste, \$2,500.00.

22 (iii) For a captive facility that receives 50,000 or more but
23 less than 75,000 cubic yards of waste, \$2,000.00.

24 (iv) For a captive facility that receives 25,000 or more but
25 less than 50,000 cubic yards of waste, \$1,000.00.

26 (v) For a captive facility that receives less than 25,000
27 cubic yards of waste, \$500.00.

1 (2) The owner or operator of a landfill shall pay the
2 surcharge under subsection (1) (a) within 30 days after the end of
3 each quarter of the state fiscal year. The owner or operator of a
4 type III landfill that is a captive facility shall pay the
5 surcharge under subsection (1) (b) by January 31 of each year.

6 (3) The owner or operator of a landfill who is required to pay
7 the surcharge under subsection (1) shall pass through and collect
8 the surcharge from any person who generated the solid waste or who
9 arranged for its delivery to the solid waste hauler or transfer
10 facility notwithstanding the provisions of any contract or
11 agreement to the contrary or the absence of any contract or
12 agreement.

13 (4) Surcharges collected under this section shall be forwarded
14 to the state treasurer for deposit in the solid waste staff account
15 of the solid waste management fund established in section 11550.

16 (5) As used in this section, "captive facility" means a
17 landfill that accepts for disposal only nonhazardous industrial
18 waste generated only by the owner of the landfill or a nonhazardous
19 industrial waste landfill that is ~~specified~~ **DESCRIBED** in section
20 11525(3).

21 Sec. 17303. (1) By 30 days after the end of each state fiscal
22 year, a manufacturer that sells or offers for sale to any person in
23 this state a new covered electronic device shall register with the
24 department on a form provided by the department. The registration
25 expires 30 days after the end of the following state fiscal year.
26 ~~After October 30, 2009, a~~ **A** manufacturer who has not already filed
27 a registration under this part shall submit a registration within

1 10 business days after the manufacturer begins to sell or offer for
2 sale new covered electronic devices in this state.

3 (2) A registration under subsection (1) shall include all of
4 the following:

5 (a) The manufacturer's name, address, and telephone number.

6 (b) Each brand name under which the manufacturer sells or
7 offers for sale covered electronic devices in this state.

8 (c) Information about the manufacturer's electronic device
9 takeback program, including all of the following:

10 (i) Information provided to consumers on how and where to
11 return covered electronic devices labeled with the manufacturer's
12 name or brand label.

13 (ii) The means by which information described in subparagraph
14 (i) is disseminated to consumers, including the relevant website
15 address if the internet is used.

16 (iii) Beginning with the first registration submitted after the
17 implementation of the takeback program, a report on the
18 implementation of the takeback program during the prior state
19 fiscal year, including all of the following:

20 (A) The total weight of the covered electronic devices
21 received by the takeback program from consumers during the prior
22 **STATE FISCAL** year.

23 (B) The processes and methods used to recycle or reuse the
24 covered electronic devices received from consumers.

25 (C) The identity of any collector or recycler with whom the
26 manufacturer contracts for the collection or recycling of covered
27 electronic devices received from consumers. The identity of a

1 recycler shall include the addresses of that recycler's recycling
2 facilities in this state, if any. The identity of a collector or
3 recycler reported under this subparagraph is exempt from disclosure
4 under the freedom of information act, 1976 PA 442, MCL 15.231 to
5 15.246, and shall not be disclosed by the department unless
6 required by court order.

7 (3) A registration is effective upon receipt by the department
8 if the registration is administratively complete.

9 (4) If a manufacturer's registration does not meet the
10 requirements of this section and any rules promulgated under this
11 part, the department shall notify the manufacturer of the
12 deficiency. If the manufacturer fails to correct the deficiency
13 within 60 days after notice is sent by the department, the
14 department may deny or revoke the manufacturer's registration,
15 after providing an opportunity for a contested case hearing under
16 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
17 to 24.328.

18 (5) A registration is valid until October 30 of each year. A
19 manufacturer of covered electronic devices shall update its
20 registration within 10 business days after a change in the brands
21 of covered electronic devices from that manufacturer sold or
22 offered for sale in this state.

23 (6) Until October 1, ~~2015~~, **2019**, a manufacturer's registration
24 shall be accompanied by an annual fee of \$3,000.00. However, if the
25 amount of money in the fund on December 31 of any year is greater
26 than \$600,000.00, the department shall not collect manufacturers'
27 registration fees for the following state fiscal year.

1 (7) Revenue from manufacturers' registration fees collected
2 under this section shall be deposited in the electronic waste
3 recycling fund created in section 17327.

4 (8) The department shall maintain on its website a list of
5 registered manufacturers of computers and a list of registered
6 manufacturers of video display devices and the website addresses at
7 which they provide information on recycling covered electronic
8 devices.

9 (9) Not later than October 1, 2011 and every 2 years after
10 that date, the department shall submit a report to the secretary of
11 the senate and to the clerk of the house of representatives that
12 assesses the adequacy of the fees under this section and any
13 departmental recommendation to modify those fees.

14 Sec. 17317. (1) By 30 days after the end of each state fiscal
15 year, a person who engages in the business of recycling covered
16 electronic devices shall register with the department on a form
17 provided by the department. The registration expires 30 days after
18 the end of the following state fiscal year. ~~After October 30, 2009,~~
19 ~~a~~**A** recycler who has not already filed a registration under this
20 part shall submit a registration within 10 business days after the
21 recycler begins to recycle covered electronic devices.

22 (2) A registration under subsection (1) shall include all of
23 the following:

24 (a) The name, address, telephone number, and location of all
25 recycling facilities under the direct control of the recycler
26 located in this state that may receive covered electronic devices.

27 (b) A certification by the recycler that the recycler

1 substantially meets the requirements of section 17315.

2 (3) Beginning October 30, 2010, a recycler of covered
3 electronic devices shall report the total weight of covered
4 electronic devices recycled during the previous **STATE FISCAL** year.
5 The recycler shall keep a written log that records the weight of
6 covered video display devices and the total weight of covered
7 computers delivered to the recycler and identified as such on
8 receipt. The total weight reported in the registration shall be
9 based on this log.

10 (4) A recycler's registration is effective upon receipt by the
11 department if the registration is administratively complete.

12 (5) If a recycler's registration does not meet the
13 requirements of this section and any rules promulgated under this
14 part, the department shall notify the recycler of the deficiency.
15 If the recycler fails to correct the deficiency within 60 days
16 after notice is sent by the department, the department may deny or
17 revoke the recycler's registration, after providing an opportunity
18 for a contested case hearing under the administrative procedures
19 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

20 (6) Until October 1, ~~2015~~, **2019**, a recycler's registration
21 under subsection (1) shall be accompanied by an annual fee of
22 \$2,000.00.

23 (7) Revenue from recyclers' registration fees collected under
24 this section shall be deposited in the electronic waste recycling
25 fund created in section 17327.

26 (8) Submitting a false registration under subsection (1) is a
27 violation of this part.

1 (9) Not later than October 1, 2011 and every 2 years after
2 that date, the department shall submit a report to the secretary of
3 the senate and to the clerk of the house of representatives that
4 assesses the adequacy of the fees under this section and any
5 departmental recommendation to modify those fees.

6 Enacting section 1. This amendatory act takes effect October
7 1, 2015.