

# HOUSE BILL No. 5496

February 6, 1992, Introduced by Reps. Robertson and Willis Bullard and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend the title and sections 3, 7, 10, 11, 30, 31, and 33 of Act No. 641 of the Public Acts of 1978, entitled as amended

"Solid waste management act,"

section 3 as amended by Act No. 9 of the Public Acts of 1990, section 7 as amended by Act No. 264 of the Public Acts of 1990, section 10 as amended by Act No. 103 of the Public Acts of 1990, sections 11 and 30 as amended by Act No. 52 of the Public Acts of 1989, and section 33 as amended by Act No. 209 of the Public Acts of 1987, being sections 299.403, 299.407, 299.410, 299.411, 299.430, 299.431, and 299.433 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 3, 7, 10, 11, 30, 31, and  
2 33 of Act No. 641 of the Public Acts of 1978, section 3 as  
3 amended by Act No. 9 of the Public Acts of 1990, section 7 as

1 amended by Act No. 264 of the Public Acts of 1990, section 10 as  
2 amended by Act No. 103 of the Public Acts of 1990, sections 11  
3 and 30 as amended by Act No. 52 of the Public Acts of 1989, and  
4 section 33 as amended by Act No. 209 of the Public Acts of 1987,  
5 being sections 299.403, 299.407, 299.410, 299.411, 299.430,  
6 299.431, and 299.433 of the Michigan Compiled Laws, are amended  
7 to read as follows:

8 TITLE

9 An act to protect the public health and the environment; to  
10 provide for the regulation and management of solid wastes includ-  
11 ing ash resulting from the combustion of certain solid wastes; to  
12 prescribe the powers and duties of certain state and local agen-  
13 cies and officials; to impose certain charges on the disposal of  
14 solid waste in certain disposal areas; to provide for certain  
15 fees; to prescribe penalties AND PROVIDE REMEDIES; to make an  
16 appropriation; and to repeal certain acts and parts of acts.

17 Sec. 3. (1) "Applicant" means an individual, sole proprie-  
18 torship, partnership, corporation, association, municipality,  
19 this state, a county, or any other governmental authority created  
20 by statute.

21 (2) "AQUIFER" MEANS A GEOLOGIC FORMATION, GROUP OF GEOLOGIC  
22 FORMATIONS, OR PART OF A GEOLOGIC FORMATION CAPABLE OF YIELDING A  
23 SIGNIFICANT AMOUNT OF GROUNDWATER TO WELLS OR SPRINGS.

24 (3) ~~(2)~~ "Ashes" means the residue from the burning of  
25 wood, coal, coke, refuse, wastewater sludge, or other combustible  
26 materials.

1 (4) ~~(3)~~ "Bond" means a surety bond from a surety company  
2 authorized to transact business in this state, a certificate of  
3 deposit, a cash bond, or an irrevocable letter of credit, in  
4 favor of the director.

5 (5) ~~(4)~~ "Certified health department" means a city,  
6 county, or district department of health which is specifically  
7 delegated authority by the director to perform designated activi-  
8 ties as prescribed by this act.

9 (6) ~~(5)~~ "Coal or wood ash" means either or both of the  
10 following:

11 (a) The residue remaining after the ignition of coal or  
12 wood, or both, and may include noncombustible materials; ~~—~~ oth-  
13 erwise referred to as bottom ash.

14 (b) The airborne residues from burning coal or wood, or  
15 both, that are finely divided particles entrained in flue gases  
16 arising from a combustion chamber; ~~—~~ otherwise referred to as  
17 fly ash.

18 (7) ~~(6)~~ "Collection center" means a tract of land, build-  
19 ing, unit, or appurtenance or combination thereof that is used to  
20 collect junk motor vehicles and farm implements under section  
21 23.

22 Sec. 7. (1) "Solid waste" means garbage, rubbish, ashes,  
23 incinerator ash, incinerator residue, street cleanings, municipal  
24 and industrial sludges, solid commercial and solid industrial  
25 waste, and animal waste other than organic waste generated in the  
26 production of livestock and poultry. Solid waste does not  
27 include the following:

- 1 (a) Human body waste.
- 2 (b) Organic waste generated in the production of livestock  
3 and poultry.
- 4 (c) Liquid waste.
- 5 (d) Ferrous or nonferrous scrap directed to a scrap metal  
6 processor or to a reuser of ferrous or nonferrous products.
- 7 (e) Slag or slag products directed to a slag processor or to  
8 a reuser of slag or slag products.
- 9 (f) Sludges and ashes managed as recycled or nondetrimental  
10 materials appropriate for agricultural or silvicultural use pur-  
11 suant to a plan approved by the director.
- 12 (g) Materials approved for emergency disposal by the  
13 director.
- 14 (h) Source separated materials.
- 15 (i) Site separated material.
- 16 (j) Fly ash or any other ash produced from the combustion of  
17 coal, when used in ANY OF the following instances:
  - 18 (i) With a maximum of 6% of unburned carbon as a component  
19 of concrete, grout, mortar, or casting molds.
  - 20 (ii) With a maximum of 12% unburned carbon passing  
21 M.D.O.T. test method MTM 101 when used as a raw material in  
22 asphalt for road construction.
  - 23 (iii) As aggregate, road, or building material which in  
24 ultimate use will be stabilized or bonded by cement, limes, or  
25 asphalt.
  - 26 (iv) As a road base or construction fill which is covered  
27 with asphalt, concrete, or other material approved by the

1 director and which is placed at least 4 feet above the seasonal  
2 groundwater table.

3 (v) As the sole material in a depository designed to  
4 reclaim, develop, or otherwise enhance land, subject to the  
5 approval of the director. In evaluating the site, the director  
6 shall consider the physical and chemical properties of the ash  
7 including leachability, and the engineering of the depository,  
8 including, but not limited to, the compaction, control of surface  
9 water and groundwater that may threaten to infiltrate the site,  
10 and evidence that the depository is designed to prevent water  
11 percolation through the material.

12 (k) Other wastes regulated by statute.

13 (2) "Solid waste hauler" means a person who owns or operates  
14 a solid waste transporting unit.

15 (3) "Solid waste processing plant" means a tract of land, A  
16 building, A unit, ~~or~~ AN appurtenance of a building or unit, or  
17 a combination of land, buildings, and units that is used or  
18 intended for use for the processing of solid waste or the separa-  
19 tion of material for salvage or disposal, or both, but does not  
20 include a plant engaged primarily in the acquisition, processing,  
21 and shipment of ferrous or nonferrous metal scrap, or a plant  
22 engaged primarily in the acquisition, processing, and shipment of  
23 slag or slag products.

24 (4) "Solid waste transporting unit" means a container which  
25 may be an integral part of a truck or other piece of equipment  
26 used for the transportation of solid waste.

1       (5) "Solid waste transfer facility" means a tract of land, a  
2 building and any appurtenances, or a container, or any  
3 combination of land, buildings, or containers that is used or  
4 intended for use in the rehandling or storage of solid waste  
5 incidental to the transportation of the solid waste, but is not  
6 located at the site of generation or the site of disposal of the  
7 solid waste.

8       (6) "Source separated material" means glass, metal, wood,  
9 paper products, plastics, rubber, textiles, garbage, yard clip-  
10 pings, or any other material approved by the director that is  
11 separated at the source of generation for the purpose of conver-  
12 sion into raw materials or new products.

13       (7) "USABLE AQUIFER" MEANS AN AQUIFER THAT IS CAPABLE OF  
14 PROVIDING WATER IN SUFFICIENT QUANTITIES AND OF A QUALITY SUIT-  
15 ABLE FOR UTILIZATION AS AN INDIVIDUAL, PUBLIC, INDUSTRIAL, OR  
16 AGRICULTURAL WATER SOURCE. USABLE AQUIFER DOES NOT INCLUDE A  
17 MINERAL WELL REGULATED PURSUANT TO THE MINERAL WELL ACT, ACT  
18 NO. 315 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 319.211 TO  
19 319.236 OF THE MICHIGAN COMPILED LAWS, OR AN OIL OR GAS POOL OR  
20 FIELD REGULATED PURSUANT TO ACT NO. 61 OF THE PUBLIC ACTS OF  
21 1939, BEING SECTIONS 319.1 TO 319.27 OF THE MICHIGAN COMPILED  
22 LAWS.

23       (8) ~~(7)~~ "Yard clippings" means leaves, grass clippings,  
24 vegetable or other garden debris, shrubbery, or brush or tree  
25 trimmings less than 4 feet in length and 2 inches in diameter,  
26 that can be converted to compost humus. This term does not

1 include stumps, agricultural wastes, animal waste, roots, sewage  
2 sludge, or garbage.

3       Sec. 10. (1) Except as otherwise provided in section 22a, a  
4 person otherwise allowed under this act to own or operate a solid  
5 waste disposal area shall not establish a disposal area without a  
6 construction permit from the director, contrary to an approved  
7 solid waste management plan, or contrary to a permit, license, or  
8 final order issued pursuant to this act. A person proposing the  
9 establishment of a disposal area shall ~~make application~~ APPLY  
10 for a construction permit to the director through the health  
11 officer on a form provided by the director. If the disposal area  
12 is located in a county or city that does not have a certified  
13 health department, the ~~application shall be made~~ PERSON SHALL  
14 APPLY directly to the director.

15       (2) The application for a construction permit shall contain  
16 the name and residence of the applicant, the location of the pro-  
17 posed disposal area, and other information considered necessary  
18 by the director. The application shall be accompanied by an  
19 engineering plan and a construction permit application fee. THE  
20 ENGINEERING PLAN FOR A LANDFILL SHALL INCLUDE AN ANALYSIS OF HOW  
21 PREEXISTING GEOLOGIC FORMATIONS AT A PROPOSED SITE FOR THE LAND-  
22 FILL WOULD PROVIDE ADDITIONAL PROTECTION AGAINST THE CONTAMINA-  
23 TION OF A USABLE AQUIFER. A construction application permit fee  
24 for a landfill shall be accompanied by a fee in an amount that is  
25 the sum of all of the applicable fees in this subsection:

26       (a) For a permitted site size of the following:

- 1 (i) Less than 5 acres:
- 2 (A) \$100.00 for a new permit application.
- 3 (B) \$25.00 for a renewal permit application.
- 4 (ii) 5 to 19 acres:
- 5 (A) \$170.00 for a new permit application.
- 6 (B) \$100.00 for a renewal permit application.
- 7 (iii) 20 to 79 acres:
- 8 (A) \$240.00 for a new permit application.
- 9 (B) \$150.00 for a renewal permit application.
- 10 (iv) 80 acres or more:
- 11 (A) \$320.00 for a new permit application.
- 12 (B) \$230.00 for a renewal permit application.
- 13 (b) For the estimated solid waste volume per day:
- 14 (i) Less than 50 cubic yards:
- 15 (A) \$60.00 for a new permit application.
- 16 (B) \$15.00 for a renewal permit application.
- 17 (ii) 50 to 100 cubic yards:
- 18 (A) \$80.00 for a new permit application.
- 19 (B) \$30.00 for a renewal permit application.
- 20 (iii) 101 to 700 cubic yards:
- 21 (A) \$100.00 for a new permit application.
- 22 (B) \$50.00 for a renewal permit application.
- 23 (iv) More than 700 cubic yards:
- 24 (A) \$130.00 for a new permit application.
- 25 (B) \$100.00 for a renewal permit application.
- 26 (c) For the nature of the solid waste:



(i) Residential:

(A) \$100.00 for a new permit application.

(B) \$50.00 for a renewal permit application.

(ii) Industrial or combination residential and industrial:

(A) \$125.00 for a new permit application.

(B) \$75.00 for a renewal permit application.

(d) For hydrogeological characteristics:

(i) Natural soil:

(A) \$40.00 for a new permit application.

(B) \$10.00 for a renewal permit application.

(ii) Compacted clay:

(A) \$70.00 for a new permit application.

(B) \$30.00 for a renewal permit application.

(iii) Synthetic liner:

(A) \$100.00 for a new permit application.

(B) \$70.00 for a renewal permit application.

(3) The application for a construction permit for a solid waste transfer facility or a solid waste processing plant shall be accompanied by a fee in an amount that is the sum of all of the applicable fees in this subsection:

(a) For a permitted site size of the following:

(i) Less than 5 acres:

(A) \$50.00 for a new permit application.

(B) \$15.00 for a renewal permit application.

(ii) 5 acres or more:

(A) \$100.00 for a new permit application.

- 1 (B) \$75.00 for a renewal permit application.
- 2 (b) For a building size of the following:
- 3 (i) Less than 500 square feet:
- 4 (A) \$50.00 for a new permit application.
- 5 (B) \$20.00 for a renewal permit application.
- 6 (ii) 500 to 1,000 square feet:
- 7 (A) \$100.00 for a new permit application.
- 8 (B) \$60.00 for a renewal permit application.
- 9 (iii) More than 1,000 square feet:
- 10 (A) \$150.00 for a new permit application.
- 11 (B) \$100.00 for a renewal permit application.
- 12 (c) For the nature of the solid waste:
- 13 (i) Residential:
- 14 (A) \$100.00 for a new permit application.
- 15 (B) \$30.00 for a renewal permit application.
- 16 (ii) Industrial or combination residential and industrial:
- 17 (A) \$150.00 for a new permit application.
- 18 (B) \$90.00 for a renewal permit application.
- 19 (d) For site characteristics:
- 20 (i) High site that is dry which has no groundwater or sur-
- 21 face water problems:
- 22 (A) \$50.00 for a new permit application.
- 23 (B) \$10.00 for a renewal permit application.
- 24 (ii) Surface water on site:
- 25 (A) \$75.00 for a new permit application.
- 26 (B) \$30.00 for a renewal permit application.

(e) For the estimated solid waste volume per day:

(i) Less than 50 cubic yards:

(A) \$50.00 for a new permit application.

(B) \$25.00 for a renewal permit application.

(ii) 50 to 500 cubic yards:

(A) \$100.00 for a new permit application.

(B) \$75.00 for a renewal permit application.

(iii) More than 500 cubic yards:

(A) \$150.00 for a new permit application.

(B) \$125.00 for a renewal permit application.

(4) An applicant for a construction permit, within 6 months after a permit denial, may resubmit the application, together with the additional information as needed to address the reasons for denial, without being required to pay an additional application fee.

Sec. 11. (1) Before the submission of a construction permit application for a new disposal area, the applicant shall request a health officer or the director to provide an advisory analysis of the proposed disposal area. However, the applicant, not less than 15 days after the request, and notwithstanding an analysis result, may file an application for a construction permit.

(2) Upon receipt of a construction permit application, the director or an authorized representative of the director shall DO ALL OF THE FOLLOWING:

(a) Immediately notify the clerk of the municipality in which the disposal area is located or proposed to be located, the local soil erosion and sedimentation control agency, each

1 division within the department that has responsibilities in land,  
2 air, or water management, and the designated regional solid waste  
3 management planning agency.

4 (b) Publish a notice in a newspaper having major circulation  
5 in the vicinity of the proposed disposal area. The required pub-  
6 lished notice shall contain a map indicating the location of the  
7 proposed disposal area and shall contain a description of the  
8 proposed disposal area and the location where the complete appli-  
9 cation package may be reviewed and where copies may be obtained.

10 (c) Indicate in the public, departmental, and municipality  
11 notice that the department shall hold a public hearing in the  
12 area of the proposed disposal area if a written request is sub-  
13 mitted by the applicant or a municipality within 30 days after  
14 the date of publication of the notice, or by a petition submitted  
15 to the department containing a number of signatures which is  
16 equal to not less than 10% of the number of registered voters of  
17 the municipality where the proposed disposal area is to be  
18 located who voted in the last gubernatorial election. The peti-  
19 tion shall be validated by the clerk of the municipality. The  
20 public hearing shall be held after the director makes a prelimi-  
21 nary review of the application and all pertinent data and before  
22 a construction permit is issued or denied.

23 (d) Review the plans of the proposed disposal area to deter-  
24 mine if it complies with this act and the rules promulgated under  
25 this act. The review shall be made by persons qualified in  
26 hydrogeology and sanitary landfill engineering. A written  
27 approval by the persons qualified in hydrogeology and sanitary

1 landfill engineering shall be received before a construction  
2 permit is issued. If the site review, plan review, and the  
3 application meet the requirements of this act and the rules  
4 promulgated under this act, the director shall issue a construc-  
5 tion permit which may contain a stipulation specifically applica-  
6 ble to the site and operation. HOWEVER, THE DIRECTOR SHALL NOT  
7 ISSUE A CONSTRUCTION PERMIT FOR A LANDFILL UNLESS THE DIRECTOR  
8 DETERMINES THAT PREEXISTING GEOLOGIC FORMATIONS AT THE SITE OF  
9 THE PROPOSED LANDFILL WOULD PROVIDE ADDITIONAL PROTECTION AGAINST  
10 THE CONTAMINATION OF A USABLE AQUIFER. Except as otherwise pro-  
11 vided in section 32a, an expansion of the area of a disposal  
12 area, an enlargement in capacity of a disposal area, or an alter-  
13 ation of a disposal area to a different type of disposal area  
14 than had been specified in the previous construction permit  
15 application ~~shall constitute~~ CONSTITUTES a new proposal for  
16 which a new construction permit is required. The upgrading of a  
17 disposal area type required by the director to comply with this  
18 act or the rules promulgated under this act or to comply with a  
19 consent order ~~shall~~ DOES not require a new construction  
20 permit.

21 (e) Notify the Michigan aeronautics commission if the dis-  
22 posal area is a sanitary landfill proposed to be located within  
23 10,000 feet of a runway or a proposed runway extension contained  
24 in a plan approved by the Michigan aeronautics commission of an  
25 airport licensed and regulated by the Michigan aeronautics  
26 commission. The director shall make a copy of the application  
27 available to the Michigan aeronautics commission. If, after a

1 period of time for review and comment not to exceed 60 days, the  
2 Michigan aeronautics commission informs the director that it  
3 finds that operation of the proposed disposal area would present  
4 a potential hazard to air navigation and presents the basis for  
5 its findings, the director may either recommend appropriate  
6 changes in the location, construction, or operation of the pro-  
7 posed disposal area or deny the application for a construction  
8 permit. The director shall give an applicant an opportunity to  
9 rebut a finding of the Michigan aeronautics commission that the  
10 operation of a proposed disposal area would present a potential  
11 hazard to air navigation.

12       Sec. 30. (1) ~~Not later than September 11, 1979, the~~ THE  
13 director shall promulgate rules for the development, form, and  
14 submission of initial solid waste management plans. The rules  
15 shall require all of the following:

16       (a) The establishment of goals and objectives for prevention  
17 of adverse effects on the public health and on the environment  
18 resulting from improper solid waste collection, processing, or  
19 disposal including protection of surface and groundwater quality,  
20 air quality, and the land. RULES PROMULGATED UNDER THIS SUBDIVI-  
21 SION SHALL BE REVIEWED BY THE DIRECTOR AT LEAST EVERY 5 YEARS AND  
22 REVISED AS NECESSARY TO ENSURE MAXIMUM PROTECTION FOR SURFACE  
23 WATER AND GROUNDWATER QUALITY, AIR QUALITY, AND THE LAND.

24       (b) An evaluation of waste problems by type and volume,  
25 including residential and commercial solid waste, hazardous  
26 waste, industrial sludges, pretreatment residues, municipal

1 sewage sludge, air pollution control residue, and other wastes  
2 from industrial or municipal sources.

3 (c) An evaluation and selection of technically and economi-  
4 cally feasible solid waste management options, which may include  
5 ~~sanitary landfill~~ LANDFILLS, resource recovery systems,  
6 resource conservation, or a combination of options.

7 (d) An inventory and description of all existing facilities  
8 where solid waste is being treated, processed, or disposed of,  
9 including a summary of the deficiencies, if any, of the facili-  
10 ties in meeting current solid waste management needs.

11 (e) The encouragement and documentation, as part of the  
12 plan, of ~~all~~ opportunities for participation and involvement of  
13 the public, ~~all~~ affected agencies and parties, and the private  
14 sector.

15 (f) That the plan contain enforceable mechanisms for imple-  
16 menting the plan, including identification of the municipalities  
17 within the county responsible for the enforcement. This subdivi-  
18 sion does not preclude the private sector's participation in pro-  
19 viding solid waste management services consistent with the county  
20 plan.

21 (g) Current and projected population densities of each  
22 county and identification of population centers and centers of  
23 solid waste generation, including industrial wastes.

24 (h) That the plan area has, and will have during the plan  
25 period, access to a sufficient amount of available and suitable  
26 land, accessible to transportation media, to accommodate the

1 development and operation of solid waste disposal areas ~~—~~ or  
2 resource recovery facilities provided for in the plan.

3 (i) That the solid waste disposal areas or resource recovery  
4 facilities provided for in the plan are capable of being devel-  
5 oped and operated in compliance with state law and rules of the  
6 department pertaining to protection of the public health and the  
7 environment, considering the available land in the plan area, and  
8 the technical feasibility of, and economic costs associated with,  
9 the facilities.

10 (j) A timetable or schedule for implementing the county  
11 solid waste management plan.

12 (2) In order for a disposal area to serve the disposal needs  
13 of another county, state, or country, the service, including the  
14 disposal of municipal solid waste incinerator ash, must be  
15 explicitly authorized in the approved solid waste management plan  
16 of the receiving county. With regard to intercounty service  
17 within Michigan, the service must also be explicitly authorized  
18 in the exporting county's solid waste management plan.

19 (3) A person shall not dispose of, store, or transport solid  
20 waste in this state unless the person complies with the require-  
21 ments of this act.

22 (4) Following approval by the director of a county solid  
23 waste management plan, ~~and after July 1, 1981,~~ an ordinance,  
24 law, rule, regulation, policy, or practice of a municipality,  
25 county, or governmental authority created by statute, which pro-  
26 hibits or regulates the location or development of a solid waste  
27 disposal area, and which is not part of or not consistent with



1 the approved solid waste management plan for the county, shall be  
2 considered in conflict with this act and ~~shall~~ IS not ~~be~~  
3 enforceable.

4       Sec. 31. (1) ~~Not later than September 11, 1979, the~~  
5 ~~director shall submit to the legislature pursuant to Act No. 306~~  
6 ~~of the Public Acts of 1969, as amended, rules which~~ THE DIRECTOR  
7 SHALL PROMULGATE RULES THAT contain sanitary design and oper-  
8 ational standards for solid waste transporting units and disposal  
9 areas and otherwise implement this act. The rules shall include  
10 standards for hydrogeologic investigations; monitoring; liner  
11 materials; leachate collection and treatment, if applicable;  
12 groundwater separation distances; environmental assessments;  
13 methane gas control; soil erosion; sedimentation control; ground-  
14 water and surface water quality; noise and air pollution; and the  
15 use of floodplains and wetlands.

16       (2) RULES PROMULGATED UNDER THIS SECTION SHALL BE REVIEWED  
17 BY THE DIRECTOR AT LEAST EVERY 5 YEARS AND REVISED AS NECESSARY  
18 TO ENSURE MAXIMUM PROTECTION FOR SURFACE WATER AND GROUNDWATER  
19 QUALITY, AIR QUALITY, AND THE LAND.

20       Sec. 33. (1) The director or a health officer may request  
21 that the attorney general bring an action in the name of the  
22 people of the state, or a municipality or county may bring an  
23 action based on facts arising within its boundaries, for any  
24 appropriate relief, including injunctive relief, for a violation  
25 of this act or rules promulgated ~~pursuant to~~ UNDER this act.

26       (2) In addition to any other relief provided by this  
27 section, the court may impose on ~~any~~ A person who violates

1 ~~any~~ A provision of this act or rules promulgated under this act  
2 or fails to comply with ~~any~~ A permit, license, or final order  
3 issued pursuant to this act a civil fine of not more than  
4 \$10,000.00 for each day of violation.

5 (3) In addition to any other relief provided by this sec-  
6 tion, the court may order a person violating this act or the  
7 rules promulgated under this act either to restore or to pay to  
8 the state an amount equal to the cost of restoring the natural  
9 resources, INCLUDING SURFACE WATER, GROUNDWATER, AIR, AND LAND,  
10 of this state affected by the violation to their original condi-  
11 tion before the violation, ~~and~~ to pay to the state the costs of  
12 surveillance and enforcement incurred by the state as a result of  
13 the violation, AND TO PROVIDE A TEMPORARY AND, IF NECESSARY, A  
14 PERMANENT WATER SUPPLY TO A PERSON WHOSE WATER SUPPLY, AS A  
15 RESULT OF THE VIOLATION, IS UNFIT OR MAY BECOME UNFIT FOR ITS USE  
16 PRIOR TO IMPAIRMENT AS AN INDIVIDUAL, PUBLIC, INDUSTRIAL, OR  
17 AGRICULTURAL WATER SUPPLY.

18 (4) This act shall not be construed to preclude any person  
19 from commencing a civil action based on facts which may also con-  
20 stitute a violation of this act or the rules promulgated under  
21 this act.