

HOUSE BILL No. 4295

February 11, 1997, Introduced by Reps. Bogardus, Anthony, Kelly, Brewer, LaForge, Cherry, Kaza, Hale, DeHart, Schauer, Martinez, Kilpatrick, Willard, Goschka, Mans, Gire, McBryde and Callahan and referred to the Committee on Conservation, Environment and Recreation.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3111A. (1) A PERSON IN POSSESSION OF A VALID PERMIT TO
2 DISCHARGE WASTE INTO THE SURFACE WATERS OF THIS STATE SHALL
3 NOTIFY THE DEPARTMENT OF THE TIME AND DURATION OF EACH PERMITTED
4 DISCHARGE. A SCHEDULE OF PLANNED PERIODIC DISCHARGES SHALL BE ON
5 FILE WITH THE DEPARTMENT AND UPDATED AT LEAST ANNUALLY UNLESS THE
6 DEPARTMENT REQUIRES THAT UPDATING BE MORE OFTEN.
7 (2) UPON RECEIVING NOTICE OF THE INTENDED DISCHARGE, THE
8 DEPARTMENT SHALL PUBLISH THE NOTICE OF THE INTENDED DISCHARGE,
9 INCLUDING THE SCHEDULE OF PLANNED PERIODIC DISCHARGES, AS
10 PROVIDED BY SECTION 3113.

1 Sec. 3113. (1) A person who seeks a new or increased use of
2 the waters of the state for sewage or other waste disposal pur-
3 poses shall file with the department an application setting forth
4 the information required by the department, including the nature
5 of the enterprise or development contemplated, the amount of
6 water required to be used, its source, the proposed point of dis-
7 charge of the wastes into the waters of the state, the estimated
8 amount to be discharged, and a statement setting forth the
9 expected bacterial, physical, chemical, and other known charac-
10 teristics of the wastes. IN ADDITION TO THE NOTICE REQUIREMENTS
11 PROVIDED FOR IN SUBSECTION (3), UPON RECEIVING A COMPLETED APPLI-
12 CATION FOR A NEW OR INCREASED USE PERMIT, THE DEPARTMENT SHALL DO
13 ALL OF THE FOLLOWING BEFORE GRANTING THE PERMIT:

14 (A) NOTIFY EACH MUNICIPALITY THAT WILL BE AFFECTED BY THE
15 GRANTING OF THE PERMIT BY MAILING A NOTICE OF THE PERMIT APPLICA-
16 TION TO THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY BY
17 FIRST-CLASS MAIL.

18 (B) NOTIFY THE HEALTH DEPARTMENT OF EACH MUNICIPALITY THAT
19 IS CONTIGUOUS TO A POND OR LAKE IF THE PERMIT APPLICATION IS FOR
20 A DISCHARGE SITE IN THE POND OR LAKE, AND OF EACH MUNICIPALITY
21 THAT IS DOWNSTREAM IF THE PERMIT APPLICATION IS FOR A DISCHARGE
22 SITE IN A CREEK, STREAM, OR RIVER.

23 (C) PUBLISH THE NOTICE OF THE PERMIT APPLICATION IN THE
24 LOCAL NEWSPAPERS AND THE NEWSPAPERS OF GENERAL CIRCULATION IN
25 EACH MUNICIPALITY IDENTIFIED IN SUBSECTION (B).

26 (D) HOLD A PUBLIC HEARING IN THE AREAS AFFECTED BY THE
27 GRANTING OF THE REQUESTED PERMIT INCLUDING THOSE MUNICIPALITIES

1 THAT ARE DOWNSTREAM OF THE REQUESTED DISCHARGE SITE, IF A REQUEST
2 FOR HEARING IS RECEIVED FROM ANY PERSON WITHIN 60 DAYS AFTER THE
3 PUBLIC NOTICE IS LAST PUBLISHED.

4 (2) Within 180 days after receipt of a complete application,
5 the department shall either grant or deny a permit, unless the
6 applicant and the department agree to extend this time period.
7 If a permit is granted, the department shall condition the permit
8 upon ~~such~~ THE restrictions that the department considers neces-
9 sary to adequately guard against unlawful uses of the waters of
10 the state ~~as~~ THAT are set forth in section 3109.

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