

SUBSTITUTE FOR
SENATE BILL NO. 354

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 14.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 14. CLEAN CORPORATE CITIZENS

2 SEC. 1401. AS USED IN THIS PART:

3 (A) "APPLICABLE ENVIRONMENTAL REQUIREMENTS" MEANS ANY OF THE
4 FOLLOWING OR ANY RULES PROMULGATED OR PERMITS, ORDERS, OR OTHER
5 LEGALLY BINDING DOCUMENTS ISSUED UNDER ANY OF THE FOLLOWING:

6 (i) ARTICLE II AND CHAPTERS 1 AND 3 OF ARTICLE III.

7 (ii) THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1001 TO
8 325.1023.

9 (iii) PARTS 135 AND 138 OF THE PUBLIC HEALTH CODE, 1978 PA 368,

1 MCL 333.13501 TO 333.13536 AND 333.13801 TO 333.13831.

2 (B) "CLEAN CORPORATE CITIZEN" MEANS A PERSON WHO OPERATES AN
3 ESTABLISHMENT THAT HAS DEMONSTRATED ENVIRONMENTAL STEWARDSHIP AND A
4 STRONG ENVIRONMENTAL ETHIC BY VOLUNTARILY MEETING THE CRITERIA SET
5 FORTH IN THIS PART.

6 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
7 QUALITY.

8 (D) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF
9 ENVIRONMENTAL QUALITY OR HIS OR HER DESIGNEE.

10 (E) "ENVIRONMENTAL MANAGEMENT SYSTEM" MEANS THE PART OF AN
11 OVERALL MANAGEMENT SYSTEM THAT ADDRESSES ENVIRONMENTAL CONCERNS
12 THROUGH THE ALLOCATION OF RESOURCES, ASSIGNMENT OF
13 RESPONSIBILITIES, AND ONGOING EVALUATION OF PRACTICES, PROCEDURES,
14 AND PROCESSES TO ACHIEVE SOUND ENVIRONMENTAL PERFORMANCE.

15 (F) "ENVIRONMENTAL MEDIUM" MEANS THE AIR, WATER, OR LAND THAT
16 IS IMPACTED, OR WOULD HAVE BEEN IMPACTED, BY A WASTE.

17 (G) "ESTABLISHMENT" MEANS ANY OF THE FOLLOWING THAT OPERATES
18 IN ACCORDANCE WITH OR UNDER THE JURISDICTION OF APPLICABLE
19 ENVIRONMENTAL REQUIREMENTS:

20 (i) A STATIONARY SOURCE.

21 (ii) A LOCATION.

22 (iii) A PUBLIC INSTITUTION.

23 (iv) A MUNICIPAL, COMMERCIAL, INDUSTRIAL, OR OTHER BUSINESS
24 FACILITY.

25 SEC. 1403. AS USED IN THIS PART:

26 (A) "ISO 14001" MEANS A STANDARD ADOPTED BY THE INTERNATIONAL
27 ORGANIZATION FOR STANDARDIZATION TO PRESCRIBE UNIFORM REQUIREMENTS

1 FOR THE PURPOSE OF CERTIFICATION OR REGISTRATION OF AN
2 ENVIRONMENTAL MANAGEMENT SYSTEM.

3 (B) "POLLUTION PREVENTION" MEANS ELIMINATING OR MINIMIZING THE
4 INITIAL GENERATION OF WASTE AT THE SOURCE OR UTILIZING
5 ENVIRONMENTALLY SOUND ON-SITE AND OFF-SITE REUSE OR RECYCLING.
6 WASTE TREATMENT, RELEASE, OR DISPOSAL IS NOT POLLUTION PREVENTION.

7 (C) "RESPONSIBLE OFFICIAL" MEANS 1 OF THE FOLLOWING
8 INDIVIDUALS WHO, ON BEHALF OF AN APPLICANT FOR A CLEAN CORPORATE
9 CITIZEN DESIGNATION, HAS THE AUTHORITY TO SIGN AND CERTIFY TO THE
10 TRUTH, ACCURACY, AND COMPLETENESS OF THE APPLICATION:

11 (i) FOR A CORPORATION, THE PRESIDENT, SECRETARY, OR
12 TREASURER, A VICE-PRESIDENT WHO IS IN CHARGE OF A PRINCIPAL
13 BUSINESS FUNCTION, OR ANY OTHER PERSON WHO PERFORMS SIMILAR POLICY
14 OR DECISION-MAKING FUNCTIONS FOR THE CORPORATION. THE PERSON
15 IDENTIFIED IN THE PRECEDING SENTENCE MAY APPOINT ANOTHER PERSON AS
16 HIS OR HER AUTHORIZED REPRESENTATIVE UNDER EITHER OF THE FOLLOWING
17 CIRCUMSTANCES:

18 (A) THE REPRESENTATIVE IS RESPONSIBLE FOR THE OVERALL
19 OPERATION OF 1 OR MORE MANUFACTURING, PRODUCTION, OR OPERATING
20 FACILITIES APPLYING FOR OR SUBJECT TO A PERMIT AND THE FACILITIES
21 EITHER EMPLOY MORE THAN 250 PERSONS OR HAVE GROSS ANNUAL SALES OR
22 EXPENDITURES OF MORE THAN \$25,000,000.00.

23 (B) THE REPRESENTATIVE HAS RESPONSIBILITIES FOR THE OVERALL
24 OPERATION OF A SOURCE AND IS APPROVED IN ADVANCE BY THE DEPARTMENT.
25 A RESPONSIBLE OFFICIAL SHALL SUBMIT A WRITTEN REQUEST FOR APPROVAL
26 FROM THE DEPARTMENT TO DESIGNATE AN AUTHORIZED REPRESENTATIVE
27 PURSUANT TO THIS SUB-SUBPARAGRAPH. THE DEPARTMENT SHALL RESPOND, IN

1 WRITING, WITHIN 30 DAYS OF RECEIPT OF THE REQUEST.

2 (ii) FOR A PARTNERSHIP OR SOLE PROPRIETORSHIP, A GENERAL
3 PARTNER OR THE PROPRIETOR.

4 (iii) FOR A COUNTY, CITY, VILLAGE, TOWNSHIP, STATE, FEDERAL,
5 OR OTHER PUBLIC AGENCY, EITHER A PRINCIPAL EXECUTIVE OFFICER OR
6 RANKING ELECTED OFFICIAL. FOR THIS PURPOSE, A PRINCIPAL EXECUTIVE
7 OFFICER INCLUDES THE CHIEF EXECUTIVE OFFICER WHO HAS RESPONSIBILITY
8 FOR THE OVERALL OPERATIONS OF A PRINCIPAL GEOGRAPHIC UNIT OF THE
9 AGENCY.

10 (iv) FOR AFFECTED SOURCES UNDER TITLE IV OF THE CLEAN AIR ACT
11 AMENDMENTS OF 1990, 42 USC 7651 TO 76510, THE DESIGNATED
12 REPRESENTATIVE AS DEFINED IN 42 USC 7651A.

13 (D) "VIOLATION NOTICE" MEANS ANY WRITTEN NOTICE OR FORMAL
14 ENFORCEMENT ACTION BY THE DEPARTMENT IN RESPONSE TO A VIOLATION OF
15 AN APPLICABLE ENVIRONMENTAL REQUIREMENT. VOLUNTARY DISCLOSURES MADE
16 UNDER PART 148 DO NOT CONSTITUTE A VIOLATION NOTICE.

17 (E) "WASTE" MEANS ANY MATERIAL, ENERGY, OR OTHER RESOURCE THAT
18 IS NOT INCORPORATED INTO PRODUCT, SUCH AS SURPLUS, OBSOLETE, OFF-
19 SPECIFICATION, CONTAMINATED, OR UNUSED MATERIAL, AND INCLUDES, BUT
20 IS NOT LIMITED TO, ALL OF THE FOLLOWING:

21 (i) AIR EMISSIONS.

22 (ii) WATER DISCHARGES.

23 (iii) HAZARDOUS WASTE.

24 (iv) SOLID WASTE.

25 SEC. 1405. (1) TO QUALIFY FOR CLEAN CORPORATE CITIZEN
26 DESIGNATION FOR A SINGLE ESTABLISHMENT OPERATED IN THIS STATE, A
27 PERSON SHALL MEET THE REQUIREMENTS OF THIS SECTION AND SECTIONS

1 1407 TO 1411 AND VOLUNTARILY SUBMIT AN APPLICATION UNDER SECTION
2 1413. THE BENEFITS OF CLEAN CORPORATE CITIZEN DESIGNATION ARE
3 IDENTIFIED IN SECTION 1417.

4 (2) AN ESTABLISHMENT DOES NOT QUALIFY FOR CLEAN CORPORATE
5 CITIZEN DESIGNATION IF THE ESTABLISHMENT HAS BEEN SUBJECT TO ANY OF
6 THE FOLLOWING:

7 (A) CONVICTION, WITHIN 10 YEARS BEFORE FILING THE INITIAL
8 CLEAN CORPORATE CITIZEN APPLICATION, OF A CRIMINAL VIOLATION OF
9 APPLICABLE ENVIRONMENTAL REQUIREMENTS.

10 (B) ASSESSMENT BY A COURT OF APPROPRIATE JURISDICTION, WITHIN
11 3 YEARS BEFORE FILING THE INITIAL CLEAN CORPORATE CITIZEN
12 APPLICATION, OF A CIVIL FINE, PENALTY, OR DAMAGES OF \$10,000.00 OR
13 MORE FOR VIOLATION OF APPLICABLE ENVIRONMENTAL REQUIREMENTS.

14 (C) A DETERMINATION, BY A COURT OF APPROPRIATE JURISDICTION,
15 WITHIN 10 YEARS BEFORE FILING THE INITIAL CLEAN CORPORATE CITIZEN
16 APPLICATION, OF RESPONSIBILITY FOR AN ILLEGAL ACTION THAT CAUSED
17 SUBSTANTIAL ENDANGERMENT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE
18 OR TO THE ENVIRONMENT.

19 (D) ASSESSMENT BY FINAL DEPARTMENT ACTION, WITHIN 3 YEARS
20 BEFORE FILING THE INITIAL CLEAN CORPORATE CITIZEN APPLICATION, OF
21 AN ADMINISTRATIVE FINE OF \$25,000.00 OR MORE FOR A VIOLATION OF
22 APPLICABLE ENVIRONMENTAL REQUIREMENTS.

23 SEC. 1407. (1) A CLEAN CORPORATE CITIZEN SHALL MEET THE
24 ENVIRONMENT MANAGEMENT SYSTEM REQUIREMENTS OF SUBSECTION (2), (3),
25 OR (4).

26 (2) SUBJECT TO SUBSECTION (1), THE CLEAN CORPORATE CITIZEN MAY
27 OBTAIN AND OPERATE IN ACCORDANCE WITH REGISTRATION OR CERTIFICATION

1 UNDER AN ENVIRONMENTAL MANAGEMENT STANDARD, SUCH AS ISO 14001, THAT
2 IS APPROVED BY THE DIRECTOR.

3 (3) SUBJECT TO SUBSECTION (1), THE CLEAN CORPORATE CITIZEN MAY
4 DEVELOP AND MAINTAIN A WRITTEN ENVIRONMENTAL MANAGEMENT SYSTEM THAT
5 IS APPROPRIATE TO THE NATURE, SCALE, AND POTENTIAL ENVIRONMENTAL
6 IMPACT OF THE OPERATION AND THAT REQUIRES THE CLEAN CORPORATE
7 CITIZEN TO DO ALL OF THE FOLLOWING:

8 (A) ADOPT AN ENVIRONMENTAL POLICY APPROVED BY THE RESPONSIBLE
9 OFFICIAL OR OPERATE UNDER AN ADOPTED CORPORATE ENVIRONMENTAL
10 POLICY. THE ENVIRONMENTAL POLICY SHALL DO ALL OF THE FOLLOWING:

11 (i) DEMONSTRATE A HIGH LEVEL OF COMMITMENT TO ENVIRONMENTAL
12 MANAGEMENT THROUGH THE ESTABLISHMENT OF GUIDING PRINCIPLES.

13 (ii) ARTICULATE THE CLEAN CORPORATE CITIZEN'S MISSION AND
14 VALUES.

15 (iii) EMPHASIZE CONTINUOUS IMPROVEMENT.

16 (iv) PROMOTE POLLUTION PREVENTION.

17 (v) ACKNOWLEDGE THE IMPORTANCE OF COMMUNICATION WITH THE
18 PUBLIC.

19 (vi) EMPHASIZE COMPLIANCE WITH RELEVANT ENVIRONMENTAL LAWS AND
20 REGULATIONS.

21 (vii) RECOGNIZE THAT EVERY INDIVIDUAL AT THE ESTABLISHMENT CAN
22 CONTRIBUTE TO ENVIRONMENTAL IMPROVEMENT.

23 (B) ESTABLISH AND MAINTAIN AN ENVIRONMENTAL PROGRAM AND
24 PROCEDURES THAT DO BOTH OF THE FOLLOWING:

25 (i) IDENTIFY THE ENVIRONMENTAL IMPLICATIONS OF THE CLEAN
26 CORPORATE CITIZEN'S ACTIVITIES, PRODUCTS, AND SERVICES OVER WHICH
27 THE CLEAN CORPORATE CITIZEN CAN BE EXPECTED TO HAVE AN INFLUENCE;

1 DETERMINE THE ACTIVITIES, PRODUCTS, OR SERVICES THAT HAVE OR CAN
2 HAVE SIGNIFICANT IMPACTS ON THE ENVIRONMENT; AND ENSURE THAT THE
3 IMPACTS AND OPPORTUNITIES FOR ENVIRONMENTAL IMPROVEMENT ARE
4 CONSIDERED IN SETTING THE CLEAN CORPORATE CITIZEN'S ENVIRONMENTAL
5 OBJECTIVES.

6 (ii) DEVELOP AND IMPLEMENT ENVIRONMENTAL OBJECTIVES AND TARGETS
7 WITHIN EACH ORGANIZATIONAL LEVEL OF THE ESTABLISHMENT.

8 (C) ESTABLISH A PROCEDURE TO PROVIDE FOR REGULAR VOLUNTARY
9 ENVIRONMENTAL SELF-AUDITS AND ENSURE THAT THERE IS AN EFFECTIVE
10 MECHANISM IN PLACE TO PROMPTLY AND ADEQUATELY RESPOND TO AND
11 ADDRESS ANY VIOLATIONS OF APPLICABLE ENVIRONMENTAL REQUIREMENTS.

12 (D) IDENTIFY SPECIFIC OPERATIONS AND ACTIVITIES THAT HAVE
13 SIGNIFICANT ENVIRONMENTAL IMPACT OR THE POTENTIAL FOR SIGNIFICANT
14 ENVIRONMENTAL IMPACT, AND HAVE PROCEDURES IN PLACE THAT DO ALL OF
15 THE FOLLOWING:

16 (i) MONITOR THE OPERATIONS AND ACTIVITIES.

17 (ii) ENSURE THAT THE OPERATIONS AND ACTIVITIES REMAIN WITHIN
18 ACCEPTABLE PARAMETERS.

19 (iii) IMPLEMENT PROMPT CORRECTION IF A DEVIATION OCCURS.

20 (iv) SYSTEMATICALLY REVIEW RECORDS AND REPORT ON
21 ENVIRONMENTALLY-RELATED ACTIONS RELATIVE TO THE OPERATIONS AND
22 ACTIVITIES.

23 (E) ESTABLISH AND MAINTAIN REPORTING AND RECORD-KEEPING
24 PROCEDURES TO DOCUMENT THE ENVIRONMENTAL STATUS OF ALL OPERATIONS
25 AND ACTIVITIES.

26 (F) ESTABLISH AND MAINTAIN PROCEDURES TO IDENTIFY AND TRACK
27 THE ENVIRONMENTAL TRAINING NEEDS OF ALL PERSONNEL WHO HAVE

1 RESPONSIBILITY OR AUTHORITY OVER ACTIVITIES THAT HAVE SIGNIFICANT
2 ENVIRONMENTAL IMPACT OR THE POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL
3 IMPACT.

4 (G) ESTABLISH AND MAINTAIN PROCEDURES TO RESPOND TO AND
5 REPORT, AS APPROPRIATE, ACCIDENTS, MALFUNCTIONS, SPILLS, UPSETS,
6 AND OTHER EMERGENCY SITUATIONS; TO MITIGATE ANY ASSOCIATED
7 ENVIRONMENTAL IMPACTS; AND TO PROVIDE FOR A REVIEW OF THE
8 PROCEDURES AFTER THE OCCURRENCE OF AN ACCIDENT OR EMERGENCY.

9 (H) DEFINE THE AUTHORITY, RESPONSIBILITY, AND METHODS FOR
10 AUDITING AND CORRECTING NONCONFORMANCE WITH THE PROCEDURES SET
11 FORTH IN THE ENVIRONMENTAL MANAGEMENT SYSTEM.

12 (I) DEVELOP AND MAINTAIN PROCEDURES FOR INTERNAL COMMUNICATION
13 ABOUT THE ENVIRONMENTAL MANAGEMENT SYSTEM AND ENVIRONMENTAL ISSUES
14 BETWEEN PERSONNEL ACROSS FUNCTIONAL AND ORGANIZATIONAL LEVELS.

15 (J) ESTABLISH AND MAINTAIN PROCEDURES FOR EFFECTIVELY
16 COMMUNICATING INFORMATION ON ENVIRONMENTAL ISSUES AND THE
17 ENVIRONMENTAL MANAGEMENT SYSTEM TO THE PUBLIC, INCLUDING THE LOCAL
18 COMMUNITY AND ENVIRONMENTAL INTEREST GROUPS, IN A MANNER THAT
19 FACILITATES AND ENCOURAGES PUBLIC UNDERSTANDING AND DIALOGUE ON
20 ENVIRONMENTAL ISSUES.

21 (4) SUBJECT TO SUBSECTION (1), THE CLEAN CORPORATE CITIZEN MAY
22 ADOPT AND MAINTAIN AN ENVIRONMENTAL MANAGEMENT SYSTEM, APPROVED BY
23 THE DIRECTOR, APPLICABLE TO A SPECIFIC GROUP OR CLASSIFICATION OF
24 ESTABLISHMENTS. AN ENVIRONMENTAL MANAGEMENT SYSTEM DEVELOPED UNDER
25 THIS SUBSECTION SHALL, AT A MINIMUM, MEET ALL OF THE REQUIREMENTS
26 OF SUBSECTION (3).

27 SEC. 1409. (1) A CLEAN CORPORATE CITIZEN SHALL DO BOTH OF THE

1 FOLLOWING:

2 (A) ADOPT, IN THE FORM OF A WRITTEN POLICY, A PHILOSOPHY OF
3 POLLUTION PREVENTION THAT PROMOTES ALL OF THE FOLLOWING:

4 (i) THE ELIMINATION OR REDUCTION OF WASTE AT THE SOURCE OF
5 GENERATION.

6 (ii) THE REUSE OF WASTE, INCLUDING THE PURCHASING OF RECYCLED
7 MATERIALS.

8 (iii) ENVIRONMENTALLY SOUND ON-SITE AND OFF-SITE RECYCLING.

9 (B) ESTABLISH AND MAINTAIN AN ESTABLISHMENT-SPECIFIC POLLUTION
10 PREVENTION PROGRAM UNDER WHICH THE CLEAN CORPORATE CITIZEN DOES ALL
11 OF THE FOLLOWING:

12 (i) ADOPTS AND POSTS A POLLUTION PREVENTION POLICY, AS REQUIRED
13 IN SUBDIVISION (A), THAT IS SIGNED BY A RESPONSIBLE OFFICIAL.

14 (ii) CONDUCTS PERIODIC POLLUTION PREVENTION ASSESSMENTS THAT
15 IDENTIFY OPPORTUNITIES FOR REUSE, RECYCLING, AND ELIMINATING WASTE
16 AT THE SOURCE.

17 (iii) ESTABLISHES POLLUTION PREVENTION GOALS THAT SPECIFY THE
18 ENVIRONMENTAL MEDIA AND TYPES OF POLLUTION TO BE PREVENTED OR
19 REDUCED, IMPLEMENTATION ACTIVITIES, AND PROJECTED TIME FRAMES.

20 (iv) RECORDS AND MAINTAINS REPORTS TO DEMONSTRATE PROGRESS ON
21 POLLUTION PREVENTION GOAL IMPLEMENTATION.

22 (v) ENCOURAGES EFFORTS TO EXCHANGE POLLUTION PREVENTION
23 TECHNOLOGIES, SUCH AS ANY OF THE FOLLOWING:

24 (A) ATTENDING OR SPONSORING WORKSHOPS.

25 (B) DEVELOPING CASE STUDIES.

26 (C) ESTABLISHING POLLUTION PREVENTION SUPPLIER NETWORKS.

27 (D) PROVIDING THE DEPARTMENT WITH POLLUTION PREVENTION

1 INFORMATION FOR POSSIBLE PUBLICATION AND DISSEMINATION.

2 (2) A CLEAN CORPORATE CITIZEN MAY SATISFY THE REQUIREMENTS OF
3 SUBSECTION (1) (B) THROUGH FORMAL PARTICIPATION AND BY BEING A
4 MEMBER IN GOOD STANDING IN A RECOGNIZED DEPARTMENT POLLUTION
5 PREVENTION PROGRAM.

6 SEC. 1411. (1) A CLEAN CORPORATE CITIZEN SHALL SATISFY ALL OF
7 THE FOLLOWING REQUIREMENTS:

8 (A) PROVIDE TO THE DEPARTMENT, AS PART OF THE CLEAN CORPORATE
9 CITIZEN APPLICATION, A STATEMENT SIGNED BY A RESPONSIBLE OFFICIAL
10 THAT HE OR SHE HAS REVIEWED THE CLEAN CORPORATE CITIZEN'S
11 COMPLIANCE RECORD AND THAT, TO THE BEST OF HIS OR HER KNOWLEDGE,
12 THE CLEAN CORPORATE CITIZEN IS IN COMPLIANCE WITH ALL APPLICABLE
13 ENVIRONMENTAL REQUIREMENTS AND HAS NO OUTSTANDING UNRESOLVED PAST
14 OR CURRENT VIOLATIONS THAT HAVE NOT BEEN CORRECTED OR, IN THE CASE
15 OF RENEWAL OF CLEAN CORPORATE CITIZEN DESIGNATION, RESOLVED BY THE
16 CLEAN CORPORATE CITIZEN'S ADHERENCE TO A BINDING COMPLIANCE
17 SCHEDULE TO ABATE THE VIOLATIONS.

18 (B) ADDRESS ANY VIOLATION CITED IN A VIOLATION NOTICE BY
19 RESOLVING THE VIOLATION, MAKING A SHOWING TO THE DIRECTOR THAT THE
20 VIOLATION DID NOT OCCUR, OR IN THE CASE OF RENEWAL OF CLEAN
21 CORPORATE CITIZEN DESIGNATION, BEING IN COMPLIANCE WITH A BINDING
22 SCHEDULE, AGREED TO BY THE DIRECTOR, TO CORRECT ANY VIOLATION
23 SPECIFIED IN A VIOLATION NOTICE ISSUED BY THE DIRECTOR.

24 (C) NOT HAVE BEEN FOUND BY THE DIRECTOR TO BE IN SIGNIFICANT
25 VIOLATION OF ENVIRONMENTAL REQUIREMENTS ESTABLISHED BY A LOCAL UNIT
26 OF GOVERNMENT.

27 (2) ALTHOUGH A PERSON DOES NOT MEET THE REQUIREMENTS OF

1 SUBSECTION (1), THE DIRECTOR MAY APPROVE THE PERSON'S APPLICATION
2 FOR CLEAN CORPORATE CITIZEN DESIGNATION IF THE APPLICATION INCLUDES
3 A BINDING AND SIGNIFICANT REDUCTION IN WASTES BELOW WHAT WOULD
4 OTHERWISE BE REQUIRED BY APPLICABLE ENVIRONMENTAL REQUIREMENTS OR
5 INCLUDES A SIGNIFICANT AND PERMANENT RETIREMENT OF AIR EMISSION
6 REDUCTION CREDITS IN ACCORDANCE WITH R 336.2201 TO R 336.2218 OF
7 THE MICHIGAN ADMINISTRATIVE CODE.

8 (3) IN THE CASE OF A CHANGE OF OWNERSHIP, THE DIRECTOR MAY
9 CONSIDER THE ENVIRONMENTAL RECORD OF THE NEW OWNER IN DETERMINING
10 WHETHER THE CRITERIA IN THIS SECTION ARE MET.

11 SEC. 1413. (1) A PERSON OPERATING AN ESTABLISHMENT IN THIS
12 STATE MAY APPLY FOR A CLEAN CORPORATE CITIZEN DESIGNATION WITH
13 RESPECT TO THAT ESTABLISHMENT. AN APPLICANT FOR A CLEAN CORPORATE
14 CITIZEN DESIGNATION SHALL FOLLOW THE PROCEDURES SET FORTH IN THIS
15 SECTION.

16 (2) NOT LESS THAN 30 DAYS BEFORE SUBMITTING TO THE DEPARTMENT
17 AN APPLICATION FOR CLEAN CORPORATE CITIZEN DESIGNATION, THE
18 APPLICANT SHALL NOTIFY THE DEPARTMENT OF ITS INTENT TO SUBMIT AN
19 APPLICATION AND PUBLISH IN A LOCAL NEWSPAPER NOTICE OF THAT INTENT
20 AND OF THE AVAILABILITY OF THE APPLICATION AND RELATED
21 DOCUMENTATION FOR PUBLIC REVIEW. THE APPLICATION AND RELATED
22 DOCUMENTATION SHALL BE MADE AVAILABLE AT A LOCAL PUBLIC LIBRARY OR
23 OTHER PUBLIC BUILDING FOR NOT LESS THAN 30 DAYS. THE PUBLIC NOTICE
24 SHALL STATE THAT COMMENTS ON THE APPLICATION MAY BE DIRECTED TO THE
25 APPLICANT OR THE DEPARTMENT. THE DOCUMENTATION PROVIDED FOR PUBLIC
26 REVIEW SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION:

27 (A) A DETAILED SUMMARY FOR EACH ELEMENT OF THE ENVIRONMENTAL

1 MANAGEMENT SYSTEM THAT DEMONSTRATES THAT THE APPLICANT MEETS THE
2 REQUIREMENTS OF SECTION 1407.

3 (B) A COPY OF THE APPLICANT'S POLLUTION PREVENTION POLICY AND
4 SUPPORTING INFORMATION THAT DEMONSTRATE THAT THE APPLICANT MEETS
5 THE REQUIREMENTS OF SECTION 1409.

6 (C) A COPY OF THE SIGNED STATEMENT OF COMPLIANCE AS SET FORTH
7 IN SECTION 1411(1) (A) .

8 (3) AFTER THE 30-DAY PUBLIC REVIEW PERIOD, AN APPLICANT MAY
9 SUBMIT THE APPLICATION FOR A CLEAN CORPORATE CITIZEN DESIGNATION TO
10 THE DEPARTMENT, ON A FORM PROVIDED BY THE DEPARTMENT, TOGETHER WITH
11 ALL OF THE FOLLOWING:

12 (A) A CHECKLIST OF THE DOCUMENTATION THAT HAS BEEN MADE
13 AVAILABLE FOR PUBLIC REVIEW UNDER SUBSECTION (2) .

14 (B) A SIGNED STATEMENT BY THE RESPONSIBLE OFFICIAL THAT THE
15 APPLICANT MEETS THE REQUIREMENTS OF SECTIONS 1405 TO 1411.

16 (C) A DETAILED SUMMARY FOR EACH ELEMENT OF THE ENVIRONMENTAL
17 MANAGEMENT SYSTEM AND DEMONSTRATION OF ACHIEVEMENT OF THE
18 ENVIRONMENTAL MANAGEMENT SYSTEM REQUIREMENTS OF SECTION 1407.

19 (D) THE POLLUTION PREVENTION POLICY AND SUPPORTING INFORMATION
20 TO DEMONSTRATE ACHIEVEMENT OF THE POLLUTION PREVENTION REQUIREMENTS
21 IN SECTION 1409.

22 (E) A COMBINED LIST OF THE SIGNIFICANT GOALS, OBJECTIVES, AND
23 TARGETS THAT ARE SET IN THE ENVIRONMENTAL MANAGEMENT SYSTEM AND THE
24 POLLUTION PREVENTION PROGRAM.

25 (F) THE CERTIFICATION OF COMPLIANCE AS REQUIRED BY SECTION
26 1411(1) (A) .

27 (G) A SUMMARY OF PUBLIC COMMENTS RECEIVED BY THE APPLICANT AND

1 THE DEPARTMENT DURING THE PUBLIC REVIEW PERIOD AND THE APPLICANT'S
2 RESPONSE TO THE PUBLIC COMMENTS RECEIVED.

3 (4) THE DEPARTMENT SHALL COMPLETE ITS INITIAL REVIEW OF THE
4 CLEAN CORPORATE CITIZEN'S APPLICATION WITHIN 14 DAYS OF RECEIPT OF
5 THE APPLICATION.

6 (5) THE DEPARTMENT SHALL PUBLISH, IN THE DEPARTMENT CALENDAR,
7 A NOTICE OF RECEIPT OF THE APPLICATION AND RELATED DOCUMENTATION
8 AND OF THE AVAILABILITY OF THE APPLICATION AND RELATED
9 DOCUMENTATION FOR PUBLIC REVIEW AND COMMENT NOT LESS THAN 30 DAYS
10 BEFORE THE DEPARTMENT MAKES A DECISION ON THE APPLICATION.

11 (6) WITHIN 60 DAYS OF RECEIPT OF A COMPLETE APPLICATION,
12 UNLESS AN EXTENSION OF TIME IS REQUESTED BY THE APPLICANT, THE
13 DIRECTOR SHALL CONSIDER PUBLIC COMMENTS, DETERMINE WHETHER THE
14 CRITERIA OF THESE RULES HAVE BEEN MET, AND NOTIFY THE APPLICANT, IN
15 WRITING, OF THE CLEAN CORPORATE CITIZEN DESIGNATION APPROVAL OR
16 DISAPPROVAL.

17 (7) THERE IS NO FORMAL APPEAL OF THE DIRECTOR'S DESIGNATION
18 DECISION.

19 (8) A PERSON OPERATING AN ESTABLISHMENT IN MICHIGAN MAY
20 REAPPLY FOR CLEAN CORPORATE CITIZEN DESIGNATION AT ANY TIME.

21 SEC. 1415. (1) TO RETAIN A CLEAN CORPORATE CITIZEN
22 DESIGNATION, A CLEAN CORPORATE CITIZEN SHALL ANNUALLY, AT LEAST 30
23 DAYS BEFORE THE ANNIVERSARY DATE OF THE CURRENT CLEAN CORPORATE
24 CITIZEN DESIGNATION, SUBMIT A RENEWAL REQUEST, SUPPORTING
25 INFORMATION, AND A CERTIFICATION THAT THE CLEAN CORPORATE CITIZEN
26 IS CURRENTLY ACHIEVING THE CRITERIA SET FORTH IN SECTIONS 1407,
27 1409, AND 1411.

1 (2) THE SUPPORTING INFORMATION SPECIFIED IN SUBSECTION (1)
2 SHALL INCLUDE AN ANNUAL REPORT SUMMARIZING THE ACTIVITIES
3 UNDERTAKEN TO DO ALL OF THE FOLLOWING AND DESCRIBING THE STATUS OF
4 THE ACTIVITIES:

5 (A) MAINTAIN AND IMPLEMENT THE ENVIRONMENTAL MANAGEMENT SYSTEM
6 CONSISTENT WITH SECTION 1407.

7 (B) IDENTIFY AND IMPLEMENT POLLUTION PREVENTION ACTIVITIES
8 CONSISTENT WITH SECTION 1409.

9 (C) SET, REVISE, AND IMPLEMENT GOALS, OBJECTIVES, AND TARGETS,
10 AND THE STRATEGY THE CLEAN CORPORATE CITIZEN IS EMPLOYING TO
11 RESOLVE ANY UNMET GOALS, OBJECTIVES, AND TARGETS IN ITS
12 ENVIRONMENTAL MANAGEMENT SYSTEM AND POLLUTION PREVENTION PROGRAM.

13 (3) A RENEWAL REQUEST SHALL INCLUDE A STATEMENT BY THE
14 RESPONSIBLE OFFICIAL THAT THE CLEAN CORPORATE CITIZEN IS IN
15 COMPLIANCE WITH ALL APPLICABLE ENVIRONMENTAL REQUIREMENTS AND HAS
16 NO OUTSTANDING UNRESOLVED VIOLATIONS, OR IS IN COMPLIANCE WITH A
17 BINDING SCHEDULE TO CORRECT ANY OUTSTANDING VIOLATIONS.

18 (4) THE DIRECTOR SHALL TERMINATE A PERSON'S CLEAN CORPORATE
19 CITIZEN DESIGNATION IF THE DIRECTOR DETERMINES THAT ANY OF THE
20 FOLLOWING APPLY TO THE PERSON:

21 (A) THE PERSON FAILED TO MAINTAIN AND IMPLEMENT AN
22 ENVIRONMENTAL MANAGEMENT SYSTEM UNDER SECTION 1407.

23 (B) THE PERSON FAILED TO MAINTAIN AND IMPLEMENT A POLLUTION
24 PREVENTION POLICY AND PROGRAM UNDER SECTION 1409.

25 (C) THE PERSON FAILED TO MEET THE ENVIRONMENTAL COMPLIANCE
26 CRITERIA UNDER SECTION 1411.

27 (D) AFTER THE EFFECTIVE DATE OF THE CURRENT CLEAN CORPORATE

1 CITIZEN DESIGNATION, THE PERSON HAS BEEN SUBJECT TO ANY OF THE
2 FOLLOWING:

3 (i) CONVICTION OF A CRIMINAL VIOLATION OF APPLICABLE
4 ENVIRONMENTAL REQUIREMENTS.

5 (ii) ASSESSMENT BY A COURT OF APPROPRIATE JURISDICTION OF A
6 CIVIL FINE, PENALTY, OR DAMAGES OF \$10,000.00 OR MORE FOR VIOLATION
7 OF APPLICABLE ENVIRONMENTAL REQUIREMENTS.

8 (iii) A DETERMINATION BY A COURT OF APPROPRIATE JURISDICTION OF
9 RESPONSIBILITY FOR AN ILLEGAL ACTION THAT CAUSED SUBSTANTIAL
10 ENDANGERMENT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR TO THE
11 ENVIRONMENT.

12 (iv) A FINDING BY THE DIRECTOR OF FAILURE TO PROMPTLY AND
13 ADEQUATELY CORRECT AND RESOLVE A SERIOUS VIOLATION OF APPLICABLE
14 ENVIRONMENTAL REQUIREMENTS.

15 (5) THE DIRECTOR SHALL ADVISE A PERSON OF THE DIRECTOR'S
16 INTENT TO TERMINATE THE PERSON'S CLEAN CORPORATE CITIZEN
17 DESIGNATION NOT LESS THAN 30 DAYS BEFORE TERMINATING THE
18 DESIGNATION.

19 (6) THERE IS NO FORMAL APPEAL OF THE DIRECTOR'S TERMINATION
20 DECISION.

21 (7) A PERSON OPERATING AN ESTABLISHMENT IN MICHIGAN MAY
22 REAPPLY FOR CLEAN CORPORATE CITIZEN DESIGNATION AT ANY TIME.

23 SEC. 1417. (1) A DESIGNATED CLEAN CORPORATE CITIZEN QUALIFIES
24 FOR CLEAN CORPORATE CITIZEN BENEFITS FOR THE RELEVANT ESTABLISHMENT
25 SET FORTH IN RULES PROMULGATED UNDER ANY OF THE FOLLOWING:

26 (A) ARTICLE II AND CHAPTERS 1 AND 3 OF ARTICLE III.

27 (B) THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1001 TO

1 325.1023.

2 (C) PARTS 135 AND 138 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
3 MCL 333.13501 TO 333.13536 AND 333.13801 TO 333.13831.

4 (2) DURING THE 1-YEAR PERIOD COMMENCING ON THE INITIAL
5 DESIGNATION OF A PERSON AS A CLEAN CORPORATE CITIZEN, THE
6 DEPARTMENT SHALL WAIVE THE FIRST \$500.00 OF THE TOTAL OF ALL
7 PERMIT, LICENSE, OR OTHER FEES THAT THE PERSON WOULD OTHERWISE BE
8 REQUIRED TO PAY THE DEPARTMENT.

9 SEC. 1419. UPON TERMINATION OF A CLEAN CORPORATE CITIZEN
10 DESIGNATION WITH RESPECT TO AN ESTABLISHMENT, ALL BENEFITS PROVIDED
11 TO A FORMER CLEAN CORPORATE CITIZEN UNDER SECTION 1417 FOR THAT
12 ESTABLISHMENT SHALL BE TERMINATED OR RESTRICTED AS PROVIDED IN THIS
13 PART AND AS DETERMINED BY THE DIRECTOR.

14 SEC. 1421. THIS PART SHALL NOT BE CONSTRUED IN A MANNER THAT
15 AUTHORIZES ANY VIOLATION OF STATE OR FEDERAL LAW.

16 SEC. 1423. THE DEPARTMENT SHALL NOT PROMULGATE RULES
17 CONCERNING THE CLEAN CORPORATE CITIZEN PROGRAM. R 324.1501 TO R
18 324.1511 OF THE MICHIGAN ADMINISTRATIVE CODE ARE RESCINDED.