

SENATE BILL No. 165

February 3, 2005, Introduced by Senator McMANUS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3122 (MCL 324.3122), as added by 2004 PA 90, and by adding section 3123a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3122. (1) Until October 1, 2007, the department may levy
2 and collect an annual groundwater discharge permit fee from
3 facilities that discharge wastewater to the ground or groundwater
4 of this state pursuant to section 3112. ~~The~~ **EXCEPT AS PROVIDED**
5 **IN SECTION 3123A, THE** fee shall be as follows:

- 6 (a) For a group 1 facility, \$3,650.00.
7 (b) For a group 2 facility or a municipality of 1,000 or fewer

1 residents, \$1,500.00.

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

3 (2) Within 180 days after receipt of a complete application,
4 the department shall either grant or deny a permit, unless the
5 applicant and the department agree to extend this time period. If
6 the department fails to make a decision on an application within
7 the time period specified or agreed to under this subsection, the
8 applicant shall receive a 15% annual discount on an annual
9 groundwater discharge permit fee for a permit issued based upon
10 that application. This subsection applies to permit applications
11 received beginning October 1, 2005.

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

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

19 **SEC. 3123A. (1) UPON PETITION SUBMITTED TO THE DIRECTOR NOT**
20 **LATER THAN FEBRUARY 1 OF ANY YEAR, THE DIRECTOR OF THE DEPARTMENT**
21 **MAY GRANT A REDUCTION IN A GROUNDWATER DISCHARGE PERMIT FEE UNDER**
22 **SECTION 3122 IF THE DIRECTOR DETERMINES THAT SUCH A REDUCTION IS**
23 **WARRANTED DUE TO A CONSIDERATION OF ALL OF THE FOLLOWING:**

24 (A) THE AMOUNT OF THE FEE IN PROPORTION TO THE AMOUNT OF THE
25 DISCHARGE.

26 (B) THE AMOUNT OF THE FEE IN PROPORTION TO THE TOXICITY OF THE
27 DISCHARGE.

1 (C) FOR A BUSINESS, THE AMOUNT OF THE FEE IN PROPORTION TO THE
2 NET WORTH OF THE BUSINESS FROM WHICH THE DISCHARGE OCCURS.

3 (D) OTHER EXTENUATING CIRCUMSTANCES RELATED TO THE ACTIVITIES
4 RESULTING IN THE DISCHARGE.

5 (2) THE DIRECTOR SHALL MAKE A DECISION ON A PETITION SUBMITTED
6 UNDER SUBSECTION (1) NOT LATER THAN FEBRUARY 15 OF THE YEAR THE
7 PETITION WAS RECEIVED AND SHALL PROVIDE WRITTEN NOTICE OF THAT
8 DECISION TO THE PETITIONER. IF THE DIRECTOR DETERMINES THAT A
9 REDUCTION IN THE GROUNDWATER DISCHARGE PERMIT FEE IS WARRANTED, THE
10 DIRECTOR SHALL SPECIFY THE AMOUNT OF THE REDUCED FEE IN THE NOTICE.
11 THE PETITIONER SHALL PAY THE GROUNDWATER DISCHARGE ENVIRONMENTAL
12 FEE WITHIN THE TIME PERIOD REQUIRED UNDER SECTION 3123.