

# SENATE BILL No. 354

March 24, 2005, Introduced by Senators TOY, GARCIA, BIRKHOLZ, HARDIMAN, GILBERT, BISHOP, SANBORN, ALLEN, CROSEY, GOSCHKA, HAMMERSTROM, SIKKEMA, KUIPERS, JOHNSON and JELINEK and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

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:

### PART 14. CLEAN CORPORATE CITIZENS

#### SEC. 1401. AS USED IN THIS PART:

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

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

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

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

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

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

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

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

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

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

19 (i) A STATIONARY SOURCE.

20 (ii) A LOCATION.

21 (iii) A PUBLIC INSTITUTION.

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

24 SEC. 1403. AS USED IN THIS PART:

25 (A) "ISO 14001" MEANS A STANDARD ADOPTED BY THE INTERNATIONAL  
26 ORGANIZATION FOR STANDARDIZATION TO PRESCRIBE UNIFORM REQUIREMENTS  
27 FOR THE PURPOSE OF CERTIFICATION OR REGISTRATION OF AN

1 ENVIRONMENTAL MANAGEMENT SYSTEM.

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

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

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

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

22 (B) THE REPRESENTATIVE HAS RESPONSIBILITIES FOR THE OVERALL  
23 OPERATION OF A SOURCE AND IS APPROVED IN ADVANCE BY THE DEPARTMENT.  
24 A RESPONSIBLE OFFICIAL SHALL SUBMIT A WRITTEN REQUEST FOR APPROVAL  
25 FROM THE DEPARTMENT TO DESIGNATE AN AUTHORIZED REPRESENTATIVE  
26 PURSUANT TO THIS SUB-SUBPARAGRAPH. THE DEPARTMENT SHALL RESPOND, IN  
27 WRITING, WITHIN 30 DAYS OF RECEIPT OF THE REQUEST.

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

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

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

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

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

20           (i) AIR EMISSIONS.

21           (ii) WATER DISCHARGES.

22           (iii) HAZARDOUS WASTE.

23           (iv) SOLID WASTE.

24           SEC. 1405. (1) TO QUALIFY FOR CLEAN CORPORATE CITIZEN  
25 DESIGNATION FOR A SINGLE ESTABLISHMENT OPERATED IN THIS STATE, A  
26 PERSON SHALL MEET THE REQUIREMENTS OF THIS SECTION AND SECTIONS  
27 1407 TO 1411 AND VOLUNTARILY SUBMIT AN APPLICATION UNDER SECTION

1 1413. THE BENEFITS OF CLEAN CORPORATE CITIZEN DESIGNATION ARE  
2 IDENTIFIED IN SECTION 1417.

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

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

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

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

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

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

25 (2) SUBJECT TO SUBSECTION (1), THE CLEAN CORPORATE CITIZEN MAY  
26 OBTAIN AND OPERATE IN ACCORDANCE WITH REGISTRATION OR CERTIFICATION  
27 UNDER AN ENVIRONMENTAL MANAGEMENT STANDARD, SUCH AS ISO 14001, THAT

1 IS APPROVED BY THE DIRECTOR.

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

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

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

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

14 (iii) EMPHASIZE CONTINUOUS IMPROVEMENT.

15 (iv) PROMOTE POLLUTION PREVENTION.

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

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

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

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

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

1 HAVE SIGNIFICANT IMPACTS ON THE ENVIRONMENT; AND ENSURE THAT THE  
2 IMPACTS AND OPPORTUNITIES FOR ENVIRONMENTAL IMPROVEMENT ARE  
3 CONSIDERED IN SETTING THE CLEAN CORPORATE CITIZEN'S ENVIRONMENTAL  
4 OBJECTIVES.

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

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

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

15 (i) MONITOR THE OPERATIONS AND ACTIVITIES.

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

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

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

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

25 (F) ESTABLISH AND MAINTAIN PROCEDURES TO IDENTIFY AND TRACK  
26 THE ENVIRONMENTAL TRAINING NEEDS OF ALL PERSONNEL WHO HAVE  
27 RESPONSIBILITY OR AUTHORITY OVER ACTIVITIES THAT HAVE SIGNIFICANT

1 ENVIRONMENTAL IMPACT OR THE POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL  
2 IMPACT.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

23 (A) ATTENDING OR SPONSORING WORKSHOPS.

24 (B) DEVELOPING CASE STUDIES.

25 (C) ESTABLISHING POLLUTION PREVENTION SUPPLIER NETWORKS.

26 (D) PROVIDING THE DEPARTMENT WITH POLLUTION PREVENTION  
27 INFORMATION FOR POSSIBLE PUBLICATION AND DISSEMINATION.

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

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

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

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

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

26           (2) ALTHOUGH A PERSON DOES NOT MEET THE REQUIREMENTS OF  
27 SUBSECTION (1), THE DIRECTOR MAY APPROVE THE PERSON'S APPLICATION

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

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

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

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

26 (A) A DETAILED SUMMARY FOR EACH ELEMENT OF THE ENVIRONMENTAL  
27 MANAGEMENT SYSTEM THAT DEMONSTRATES THAT THE APPLICANT MEETS THE

1 REQUIREMENTS OF SECTION 1407.

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

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

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

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

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

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

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

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

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

26 (G) A SUMMARY OF PUBLIC COMMENTS RECEIVED BY THE APPLICANT AND  
27 THE DEPARTMENT DURING THE PUBLIC REVIEW PERIOD AND THE APPLICANT'S

1 RESPONSE TO THE PUBLIC COMMENTS RECEIVED.

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

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

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

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

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

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

27 (2) THE SUPPORTING INFORMATION SPECIFIED IN SUBSECTION (1)

1 SHALL INCLUDE AN ANNUAL REPORT SUMMARIZING THE ACTIVITIES  
2 UNDERTAKEN TO DO ALL OF THE FOLLOWING AND DESCRIBING THE STATUS OF  
3 THE ACTIVITIES:

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

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

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

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

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

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

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

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

26 (D) AFTER THE EFFECTIVE DATE OF THE CURRENT CLEAN CORPORATE  
27 CITIZEN DESIGNATION, THE PERSON HAS BEEN SUBJECT TO ANY OF THE

1 FOLLOWING:

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

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

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

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

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

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

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

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

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

26 (B) THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1001 TO  
27 325.1023.

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

3 (2) THE DEPARTMENT SHALL PROMULGATE RULES PROVIDING FOR  
4 REDUCTIONS IN PERMIT, LICENSE, OR OTHER FEES ASSESSED AGAINST CLEAN  
5 CORPORATE CITIZENS UNDER THE STATUTES OR PARTS OF STATUTES LISTED  
6 IN SUBSECTION (1) OR RULES PROMULGATED THEREUNDER. THE REDUCTION IN  
7 ANY SINGLE FEE SHALL NOT EXCEED \$500.00 PER YEAR.

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

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