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Senate Bill 447 (as reported without amendment) *(as enrolled)*
Senate Bill 448 (as reported by the Committee of the Whole) *(as enrolled)*
Sponsor: Senator Roger Kahn, M.D.
Committee: Appropriations

CONTENT

Senate Bill 447 would amend the Safe Drinking Water Act to allow the Department of Environmental Quality (DEQ) to conduct a training and certification program for individuals wishing to become certified as wastewater operators. Until October 1, 2017, the DEQ would be allowed to charge fees for this program as specified in Part 31 of the Natural Resources and Environmental Protection Act (NREPA).

Senate Bill 447 is tie-barred to Senate Bill 448.

Senate Bill 448 would amend Part 31 (Water Resources Protection) and Part 41 (Sewerage Systems) of NREPA to allow the DEQ to charge exam and renewal fees for the wastewater operator certification program according to a fee schedule established by the bill. (Certification renewals are established by administrative rule and are on a three-year renewal cycle.) The proposed fee schedule for exams is shown in Table 1; renewal fees are shown in Table 2.

In addition to exam and renewal fees, the bill would allow the DEQ to charge fees to providers of continuing education courses for departmental approval of those courses. The application fee for approval of these courses would be \$75 per course, and the application fee for renewal of an approved course would be \$50 per course.

The bill would create the "Operator Training and Certification Fund", and would direct revenue collected from the exam fees, training program fees, and training course approval applications to the Fund. The Fund would be used only for administration of Parts 31 and 41 of NREPA, and for certain parts of the Clean Water Act.

The fees contained in the bill would sunset on October 1, 2017. The bill would require an annual report from the DEQ that contained the following information for each program:

- The type and number of programs, including total number of participants in each.
- The type and number of certification exams given.
- The type and number of certifications awarded.
- The amount of revenue in the Operator Training and Certification Fund at the end of the fiscal year.

Finally, the bill would exempt concentrated animal feeding operations (CAFOs) from the requirement under Part 31 that waste treatment and control facilities be under the control of certified personnel.

Table 1

Exam Type	Level/Class	Fee
Industrial Wastewater	3	\$40
	A-1A	\$30
Noncontact Cooling Water	A-1H	\$30
Storm Water Industrial	A-1I	\$30
	A,B,C,D	\$70
Municipal Wastewater	L2,L1,SC	\$45
	1,2,3,4	\$70
Drinking Water Complete Treatment	5	\$45
	1,2,3,4	\$70
Drinking Water Limited Treatment	5	\$45
	1,2,3,4	\$70
Drinking Water Distribution	5	\$45

Table 2

Renewal Type	Level/Class	Fee
Storm Water Industrial	A-1I	\$95
Storm Water Construction	A-1J	\$95
Industrial Wastewater	1,2,3	\$95
Municipal Wastewater	All	\$95
Drinking Water	All	\$95

MCL 325.1009 (S.B. 347)
324.3110 et al. (S.B. 348)

FISCAL IMPACT

These bills are part of the package of enacting legislation for the FY 2011-12 DEQ budget. The Department has estimated that the new fees contained in these bills would raise approximately \$353,000. Currently, these exams and training programs are funded using \$200,000 in General Fund/General Purpose revenue; the remainder of the cost of the program is absorbed by the Water Resource Division. Revenue raised under the bill would replace the GF/GP funding and supplement funding for administration of the Safe Water Drinking Act.

Date Completed: 6-23-11

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.