

SENATE BILL No. 448

(As amended June 23, 2011)

June 15, 2011, Introduced by Senator KAHN and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 3110 and 4104 (MCL 324.3110 and 324.4104) and
by adding section 3134.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 3110. (1) Each industrial or commercial entity<<, OTHER THAN
A CONCENTRATED ANIMAL FEED OPERATION,>> that
- 2 discharges liquid wastes into any surface water or groundwater or
- 3 underground or on the ground other than through a public sanitary
- 4 sewer shall have waste treatment or control facilities under the
- 5 specific supervision and control of persons who have been certified
- 6 by the department as properly qualified to operate the facilities.
- 7 The department shall examine all supervisory personnel having
- 8 supervision and control of the facilities <<, OTHER THAN A CONCENTRATED
ANIMAL FEED OPERATION,>> and certify that the

1 persons are properly qualified to operate or supervise the
2 facilities.

3 (2) The department may conduct a program for training persons
4 seeking to be certified as operators or supervisors under
5 subsection (1), ~~or seeking to be certified as operators or~~
6 ~~supervisors of municipal wastewater treatment facilities. The~~
7 **SECTION 4104, OR SECTION 9 OF THE SAFE DRINKING WATER ACT, 1976 PA**
8 **399 MCL 325.1009. UNTIL OCTOBER 1, 2017, THE** department may charge
9 a fee based on the costs to the department of operating the ~~THIS~~
10 training program. The fees shall be deposited ~~in the state~~
11 ~~treasury, credited to a separate fund, and used to conduct the~~
12 ~~training program. Any unexpended fees collected pursuant to this~~
13 ~~subsection, along with any excess collections from prior fiscal~~
14 ~~years, shall be carried over into subsequent fiscal years and shall~~
15 ~~be available for appropriation for the purposes of conducting the~~
16 ~~program described in this subsection. INTO THE OPERATOR TRAINING~~
17 **AND CERTIFICATION FUND CREATED IN SECTION 3134.**

18 (3) **THE DEPARTMENT SHALL ADMINISTER CERTIFICATION OPERATOR**
19 **PROGRAMS FOR PERSONS SEEKING TO BE CERTIFIED AS OPERATORS OR**
20 **SUPERVISORS UNDER SUBSECTION (1), SECTION 4104, OR SECTION 9 OF THE**
21 **SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1009. A PERSON**
22 **WISHING TO BECOME CERTIFIED AS AN OPERATOR OR A SUPERVISOR SHALL**
23 **SUBMIT AN APPLICATION TO THE DEPARTMENT CONTAINING INFORMATION**
24 **REQUIRED BY THE DEPARTMENT. INFORMATION SUBMITTED AS PART OF THE**
25 **APPLICATION SHALL BE CONSIDERED PART OF THE EXAMINATION FOR**
26 **CERTIFICATION. UNTIL OCTOBER 1, 2017, THE DEPARTMENT MAY CHARGE A**
27 **CERTIFICATION EXAMINATION FEE AND A CERTIFICATION RENEWAL FEE IN**

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1 ACCORDANCE WITH THE FOLLOWING FEE SCHEDULE:

2 (A) FOR CERTIFICATION EXAMINATIONS UNDER SUBSECTION (1), THE
3 FOLLOWING FEES APPLY:

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7 (i) >> INDUSTRIAL WASTEWATER CERTIFICATION LEVEL 1 OR 2
8 EXAMINATION AS DESCRIBED UNDER SUBRULE (2) OF R 323.1253 OF THE
9 MICHIGAN ADMINISTRATIVE CODE, \$35.00.

10 << (ii) >> INDUSTRIAL WASTEWATER CERTIFICATION LEVEL 3 EXAMINATION AS
11 DESCRIBED UNDER SUBRULE (2) OF R 323.1253 OF THE MICHIGAN
12 ADMINISTRATIVE CODE, \$40.00.

13 << (iii) >> INDUSTRIAL WASTEWATER SPECIAL CLASSIFICATION A-1A
14 EXAMINATION OR NONCONTACT COOLING WATER A-1H EXAMINATION AS
15 DESCRIBED UNDER SUBRULE (2) OF R 323.1253 OF THE MICHIGAN
16 ADMINISTRATIVE CODE, \$30.00.

17 << (iv) >> STORM WATER INDUSTRIAL CERTIFICATION A-1I EXAMINATION AS
18 DESCRIBED UNDER SUBRULE (2) OF R 323.1253 OF THE MICHIGAN
19 ADMINISTRATIVE CODE, \$30.00.

20 (B) FOR CERTIFICATION EXAMINATIONS UNDER SECTION 4104, THE
21 FOLLOWING FEES APPLY:

22 (i) MUNICIPAL WASTEWATER CERTIFICATION LEVEL A, B, C, OR D
23 EXAMINATION AS DESCRIBED UNDER SUBRULE (1) OF R 299.2911 OF THE
24 MICHIGAN ADMINISTRATIVE CODE, \$70.00.

25 (ii) MUNICIPAL WASTEWATER CERTIFICATION LEVEL L2 EXAMINATION AS
26 DESCRIBED UNDER SUBRULE (3A) OF R 299.2911 OF THE MICHIGAN
27 ADMINISTRATIVE CODE, \$45.00.

(iii) MUNICIPAL WASTEWATER CERTIFICATION LEVEL L1 EXAMINATION AS DESCRIBED UNDER SUBRULE (3B) OF R 299.2911 OF THE MICHIGAN ADMINISTRATIVE CODE, \$45.00.

(iv) MUNICIPAL WASTEWATER CERTIFICATION LEVEL SC EXAMINATION AS DESCRIBED UNDER SUBRULE (4) OF R 299.2911 OF THE MICHIGAN ADMINISTRATIVE CODE, \$45.00.

(C) FOR CERTIFICATION EXAMINATIONS UNDER SECTION 9 OF THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1009, THE FOLLOWING FEES APPLY:

(i) DRINKING WATER COMPLETE TREATMENT CERTIFICATION LEVEL 1, 2, 3, OR 4 EXAMINATION AS DESCRIBED UNDER SUBRULE (1) OF R 325.11901 OF THE MICHIGAN ADMINISTRATIVE CODE, \$70.00.

(ii) DRINKING WATER LIMITED TREATMENT CERTIFICATION LEVEL 1, 2, 3, OR 4 EXAMINATION AS DESCRIBED UNDER SUBRULE (2) OF R 325.11901 OF THE MICHIGAN ADMINISTRATIVE CODE, \$70.00.

(iii) DRINKING WATER DISTRIBUTION CERTIFICATION LEVEL 1, 2, 3, OR 4 EXAMINATION AS DESCRIBED UNDER R 325.11902 OF THE MICHIGAN ADMINISTRATIVE CODE, \$70.00.

(iv) DRINKING WATER COMPLETE TREATMENT CERTIFICATION LEVEL 5 EXAMINATION AS DESCRIBED UNDER SUBRULE (1) OF R 325.11901 OF THE MICHIGAN ADMINISTRATIVE CODE, \$45.00.

(v) DRINKING WATER LIMITED TREATMENT CERTIFICATION LEVEL 5 EXAMINATION AS DESCRIBED UNDER SUBRULE (2) OF R 325.11901 OF THE MICHIGAN ADMINISTRATIVE CODE, \$45.00.

(vi) DRINKING WATER DISTRIBUTION CERTIFICATION LEVEL 5 EXAMINATION AS DESCRIBED UNDER R 325.11902 OF THE MICHIGAN ADMINISTRATIVE CODE, \$45.00.

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(D) FOR CERTIFICATION RENEWALS UNDER SUBSECTION (1), THE
FOLLOWING FEES APPLY:

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(i) >> STORM WATER INDUSTRIAL CERTIFICATION A-1I AS DESCRIBED
UNDER SUBRULE (2) OF R 323.1253 OF THE MICHIGAN ADMINISTRATIVE
CODE, \$95.00.

<< (ii) >> STORM WATER CONSTRUCTION CERTIFICATION A-1J AS DESCRIBED
UNDER SUBRULE (2) OF R 323.1253 OF THE MICHIGAN ADMINISTRATIVE
CODE, \$95.00.

<< (iii) >> ALL OTHER INDUSTRIAL WASTEWATER CERTIFICATION LEVELS 1, 2,
OR 3 AS DESCRIBED UNDER SUBRULE (2) OF R 323.1253 OF THE MICHIGAN
ADMINISTRATIVE CODE AND ISSUED ON A SINGLE CERTIFICATE, \$95.00.

(E) FOR CERTIFICATION RENEWALS UNDER SECTION 4104 FOR ALL
MUNICIPAL WASTEWATER CERTIFICATION LEVELS AS DESCRIBED UNDER R
299.2911 OF THE MICHIGAN ADMINISTRATIVE CODE AND ISSUED ON A SINGLE
CERTIFICATE, \$95.00.

(F) FOR CERTIFICATION RENEWALS UNDER SECTION 9 OF THE SAFE
DRINKING WATER ACT, 1976 PA 399, MCL 325.1009, FOR ALL DRINKING
WATER CERTIFICATION LEVELS AS DESCRIBED UNDER R 325.11901 OR R
325.11902 AND ISSUED ON A SINGLE CERTIFICATE, \$95.00.

(4) THE FAILURE TO PAY A REQUIRED CERTIFICATION EXAMINATION
FEE WITHIN 90 DAYS AFTER TAKING AN EXAMINATION SHALL CONSTITUTE
FAILURE OF THE EXAMINATION. THE DEPARTMENT SHALL NOT ALLOW AN
INDIVIDUAL TO TAKE A FUTURE EXAMINATION WITHIN THE FAILED
EXAMINATION PROGRAM UNLESS HE OR SHE PAYS THE PRIOR FEE IN FULL.

1 (5) THE DEPARTMENT SHALL CONDUCT A PROGRAM FOR PERSONS OR
2 ORGANIZATIONS SEEKING TO OFFER APPROVED CONTINUING EDUCATION
3 COURSES TO BE USED BY CERTIFIED OPERATORS AND SUPERVISORS WHEN
4 RENEWING THEIR CERTIFICATIONS UNDER SUBSECTION (1), SECTION 4104,
5 AND SECTION 9 OF THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL
6 325.1009. THE DEPARTMENT MAY CHARGE CONTINUING EDUCATION PROVIDERS
7 A COURSE APPLICATION FEE AND COURSE RENEWAL FEE IN ACCORDANCE WITH
8 THE FOLLOWING FEE SCHEDULE:

9 (A) AN APPLICATION FOR APPROVAL OF A TRAINING COURSE, \$75.00
10 FOR EACH COURSE.

11 (B) AN APPLICATION FOR RENEWAL OF AN APPROVED TRAINING COURSE,
12 \$50.00 FOR EACH COURSE.

13 (6) ALL FEES COLLECTED UNDER THIS SECTION SHALL BE DEPOSITED
14 IN THE OPERATOR TRAINING AND CERTIFICATION FUND ESTABLISHED IN
15 SECTION 3134.

16 (7) ~~(3)~~—A person certified as required by subsection (1) shall
17 file monthly, or at such longer intervals as the department may
18 designate, on forms provided by the department, reports showing the
19 effectiveness of the treatment or control facility operation and
20 the quantity and quality of discharged liquid wastes. A person who
21 knowingly makes a false statement in a report may have his or her
22 certificate as an approved treatment facility operator revoked.

23 (8) ~~(4)~~—This section does not apply to water, gas, or other
24 material that is injected into a well to facilitate production of
25 oil or gas or to water derived in association with oil or gas
26 production and disposed of in a well, if the well is used either to
27 facilitate production or for disposal purposes and is under permit

1 by the state supervisor of wells.

2 SEC. 3134. (1) THE OPERATOR TRAINING AND CERTIFICATION FUND IS
3 CREATED WITHIN THE STATE TREASURY.

4 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
5 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL
6 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT
7 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

8 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
9 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

10 (4) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR
11 AUDITING PURPOSES.

12 (5) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
13 APPROPRIATION, ONLY TO ADMINISTER THIS PART, PART 41, AND THE SAFE
14 DRINKING WATER ACT, 1976 PA 399, MCL 325.1001 TO 325.1023,
15 INCLUDING ALL OF THE FOLLOWING:

16 (A) LICENSING, EXAMINATION, COMPLIANCE ASSISTANCE, EDUCATION,
17 TRAINING, AND OTHER CERTIFICATION ACTIVITIES DIRECTLY RELATED TO
18 THIS PART, PART 41, AND THE SAFE DRINKING WATER ACT, 1976 PA 399,
19 MCL 325.1001 TO 325.1023.

20 (B) MAINTENANCE OF PROGRAM DATA.

21 (C) DEVELOPMENT OF PROGRAM-RELATED DATABASES AND SOFTWARE.

22 (D) PROGRAM ADMINISTRATION ACTIVITIES.

23 (6) BY JANUARY 1 OF EACH YEAR UNTIL JANUARY 1, 2017, THE
24 DEPARTMENT SHALL PREPARE AND SUBMIT TO THE GOVERNOR, THE CHAIRS OF
25 THE STANDING COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES
26 WITH PRIMARY RESPONSIBILITY FOR ISSUES RELATED TO NATURAL RESOURCES
27 AND THE ENVIRONMENT, AND THE CHAIRS OF THE SUBCOMMITTEES OF THE

1 SENATE AND HOUSE APPROPRIATIONS COMMITTEES WITH PRIMARY
2 RESPONSIBILITY FOR APPROPRIATIONS TO THE DEPARTMENT A REPORT THAT
3 DETAILS THE DEPARTMENT'S ADMINISTRATION OF THE OPERATOR TRAINING
4 AND CERTIFICATION PROGRAM UNDER SECTION 3110, SECTION 4104, AND
5 SECTION 9 OF THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL
6 325.1009, IN THE PREVIOUS FISCAL YEAR. THIS REPORT SHALL INCLUDE,
7 AT A MINIMUM, ALL OF THE FOLLOWING AS ITEMIZED FOR EACH OPERATOR
8 TRAINING AND CERTIFICATION PROGRAM:

9 (A) THE TYPE AND NUMBER OF TRAINING PROGRAMS OFFERED BY THE
10 DEPARTMENT, INCLUDING THE TOTAL NUMBER OF PARTICIPANTS IN EACH TYPE
11 OF TRAINING PROGRAM.

12 (B) THE TYPE AND NUMBER OF CERTIFICATION EXAMS GIVEN.

13 (C) THE TYPE AND NUMBER OF CERTIFICATIONS AWARDED.

14 (D) THE AMOUNT OF REVENUE IN THE FUND AT THE END OF THE FISCAL
15 YEAR.

16 Sec. 4104. (1) The department may promulgate and enforce rules
17 as the department considers necessary governing and providing a
18 method of conducting and operating all or a part of sewerage
19 systems including sewage treatment works. The department shall
20 classify sewage treatment works with regard to size, type,
21 location, and other physical conditions affecting those works and
22 according to the skill, knowledge, experience, and character that
23 the person who is in charge of the active operation of the sewage
24 treatment works has to possess in order to successfully operate the
25 works, to prevent the discharge of deleterious matter capable of
26 being injurious to the health of the people, or to other public
27 interests. The department shall examine or provide for the

1 examination of persons as to their qualifications to operate sewage
2 treatment works. The department shall promulgate rules regarding
3 the classification of sewage treatment works, the examinations for
4 certification of operators for those works, and the issuance and
5 revocation of certificates, and shall issue and revoke certificates
6 in accordance with those rules. Every sewage treatment works
7 subject to this part shall be under the supervision of a properly
8 certified operator, except that this section does not require the
9 employment of a certified operator in a waste treatment works that
10 receives only wastes that are not potentially prejudicial to the
11 public health.

12 (2) IN ACCORDANCE WITH SECTION 3110, THE DEPARTMENT MAY
13 CONDUCT A PROGRAM FOR TRAINING PERSONS SEEKING TO BE CERTIFIED AS
14 OPERATORS UNDER SUBSECTION (1) AND SHALL ADMINISTER OPERATOR
15 CERTIFICATION PROGRAMS FOR PERSONS SEEKING TO BE CERTIFIED AS
16 OPERATORS UNDER SUBSECTION (1). UNTIL OCTOBER 1, 2017, THE
17 DEPARTMENT MAY CHARGE FEES FOR THESE PROGRAMS IN ACCORDANCE WITH
18 SECTION 3110. THE DEPARTMENT SHALL TRANSMIT FEES COLLECTED UNDER
19 THIS SECTION TO THE STATE TREASURER FOR DEPOSIT INTO THE OPERATOR
20 TRAINING AND CERTIFICATION FUND CREATED IN SECTION 3134.