

SENATE BILL No. 939

February 14, 2012, Introduced by Senators MEEKHOF, CASPERSON, GREEN, PROOS, COLBECK, JONES, MARLEAU and JANSEN and referred to the Committee on Natural Resources, Environment and Great Lakes.

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 ENVIRONMENTAL LEADERS

SEC. 1401. AS USED IN THIS PART:

(A) "APPLICABLE ENVIRONMENTAL REQUIREMENT" MEANS AN APPLICABLE
FEDERAL ENVIRONMENTAL REQUIREMENT, AN APPLICABLE STATE
ENVIRONMENTAL REQUIREMENT, OR AN ENVIRONMENTAL REQUIREMENT
ESTABLISHED BY A LOCAL UNIT OF GOVERNMENT.

(B) "APPLICABLE FEDERAL ENVIRONMENTAL REQUIREMENT" MEANS ANY
OF THE FOLLOWING:

(i) THE FEDERAL WATER POLLUTION CONTROL ACT, 33 USC 1251 TO
1387.

(ii) THE CLEAN AIR ACT, 42 USC 7401 TO 7671Q.

1 (iii) THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976, 42 USC
2 6901 TO 6992K.

3 (iv) THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION,
4 AND LIABILITY ACT OF 1980, 42 USC 9601 TO 9675.

5 (C) "APPLICABLE STATE ENVIRONMENTAL REQUIREMENT" MEANS ANY OF
6 THE FOLLOWING OR A RULE PROMULGATED OR PERMIT, ORDER, OR OTHER
7 LEGALLY BINDING DOCUMENT ISSUED UNDER ANY OF THE FOLLOWING:

8 (i) ARTICLE II OR CHAPTER 1 OR 3 OF ARTICLE III.

9 (ii) THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1001 TO
10 325.1023.

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

13 (D) "CERTIFIED", IN REFERENCE TO A STATEMENT, MEANS THAT THE
14 STATEMENT IS SIGNED BY AN AUTHORIZED OFFICIAL OF THE OPERATOR WHO
15 ATTESTS THAT HE OR SHE HAS MADE REASONABLE INQUIRY INTO THE BASIS
16 FOR THE STATEMENT AND THAT IT IS TRUE AND CORRECT TO THE BEST OF
17 THE OFFICIAL'S KNOWLEDGE AND BELIEF.

18 (E) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
19 QUALITY.

20 (F) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR
21 HER DESIGNEE.

22 (G) "ENVIRONMENTAL LEADER" MEANS A PERSON DESIGNATED BY THE
23 DEPARTMENT AS OPERATING AN ESTABLISHMENT AT WHICH THE PERSON HAS
24 DEMONSTRATED ENVIRONMENTAL STEWARDSHIP AND A STRONG ENVIRONMENTAL
25 ETHIC BY MEETING THE CRITERIA IN THIS PART.

26 (H) "ENVIRONMENTAL MANAGEMENT SYSTEM" MEANS THE PART OF AN
27 OVERALL MANAGEMENT SYSTEM THAT ADDRESSES ENVIRONMENTAL CONCERNS

1 THROUGH ALLOCATING RESOURCES, ASSIGNING RESPONSIBILITIES, AND
2 EVALUATING PRACTICES, PROCEDURES, AND PROCESSES TO ACHIEVE SOUND
3 ENVIRONMENTAL PERFORMANCE.

4 (I) "ESTABLISHMENT" MEANS 1 OF THE FOLLOWING THAT IS SITUATED
5 IN THIS STATE AND IS SUBJECT TO AN APPLICABLE STATE ENVIRONMENTAL
6 REQUIREMENT OR APPLICABLE FEDERAL ENVIRONMENTAL REQUIREMENT:

7 (i) A SOURCE AS DEFINED IN SECTION 5501.

8 (ii) A PUBLIC INSTITUTION.

9 (iii) A MUNICIPAL FACILITY.

10 (iv) A COMMERCIAL, INDUSTRIAL, OR OTHER BUSINESS FACILITY.

11 SEC. 1403. AS USED IN THIS PART:

12 (A) "ISO 14001:2004" MEANS THE STANDARD ADOPTED BY THE
13 INTERNATIONAL ORGANIZATION FOR STANDARDIZATION TO PRESCRIBE UNIFORM
14 REQUIREMENTS FOR THE PURPOSE OF CERTIFICATION OR REGISTRATION OF AN
15 ENVIRONMENTAL MANAGEMENT SYSTEM.

16 (B) "POLLUTION PREVENTION" MEANS ELIMINATING OR MINIMIZING THE
17 INITIAL GENERATION OF WASTE AT THE SOURCE, REUSE OF WASTE, OR
18 UTILIZING ENVIRONMENTALLY SOUND ON-SITE OR OFF-SITE RECYCLING.
19 WASTE TREATMENT, RELEASE, OR DISPOSAL IS NOT POLLUTION PREVENTION.

20 (C) "SUPPLEMENTAL ENVIRONMENTAL PROJECT" MEANS AN
21 ENVIRONMENTALLY BENEFICIAL PROJECT THAT AN ALLEGED VIOLATOR AGREES
22 TO UNDERTAKE IN SETTLEMENT OF AN ENFORCEMENT ACTION, BUT WHICH THE
23 ALLEGED VIOLATOR IS NOT OTHERWISE LEGALLY REQUIRED TO UNDERTAKE.

24 (D) "VIOLATION NOTICE" MEANS A WRITTEN NOTICE OR FORMAL
25 ENFORCEMENT ACTION BY THE DEPARTMENT, THE UNITED STATES
26 ENVIRONMENTAL PROTECTION AGENCY, OR THE ENFORCING AGENCY OF A LOCAL
27 UNIT OF GOVERNMENT, AS APPLICABLE, IN RESPONSE TO A VIOLATION OF AN

1 APPLICABLE ENVIRONMENTAL REQUIREMENT. A VOLUNTARY DISCLOSURE MADE
2 UNDER PART 148 DOES NOT CONSTITUTE A VIOLATION NOTICE.

3 (E) "WASTE" MEANS ANY ENVIRONMENTAL POLLUTANT, WASTE,
4 DISCHARGE, OR EMISSION, REGARDLESS OF HOW IT IS REGULATED AND
5 REGARDLESS OF WHETHER IT IS RELEASED TO THE GENERAL ENVIRONMENT OR
6 THE WORKPLACE ENVIRONMENT.

7 SEC. 1405. TO OBTAIN AN ENVIRONMENTAL LEADER DESIGNATION WITH
8 RESPECT TO AN ESTABLISHMENT AND THE BENEFITS DESCRIBED IN SECTION
9 1421, THE OPERATOR SHALL MEET THE QUALIFICATIONS SET FORTH IN
10 SECTIONS 1407 TO 1411 AND SUBMIT AN APPLICATION UNDER SECTION 1413.

11 SEC. 1407. (1) TO QUALIFY FOR AN ENVIRONMENTAL LEADER
12 DESIGNATION WITH RESPECT TO AN ESTABLISHMENT, THE OPERATOR SHALL
13 NOT BE SUBJECT TO ANY OF THE FOLLOWING WITH RESPECT TO THE
14 ESTABLISHMENT AT ANY TIME BEGINNING 3 YEARS BEFORE THE APPLICATION
15 IS FILED:

16 (A) CONVICTION OF A CRIMINAL VIOLATION OF AN APPLICABLE STATE
17 ENVIRONMENTAL REQUIREMENT.

18 (B) ASSESSMENT BY A COURT OF APPROPRIATE JURISDICTION, OF A
19 CIVIL FINE, PENALTY, OR DAMAGES OF \$10,000.00 OR MORE FOR VIOLATION
20 OF AN APPLICABLE STATE ENVIRONMENTAL REQUIREMENT.

21 (C) A DETERMINATION, BY A COURT OF APPROPRIATE JURISDICTION,
22 OF RESPONSIBILITY FOR AN ILLEGAL ACTION THAT SUBSTANTIALLY
23 ENDANGERED THE PUBLIC HEALTH, SAFETY, OR WELFARE OR THE
24 ENVIRONMENT.

25 (D) ASSESSMENT, BY ORDER OF THE DEPARTMENT, A JUDICIAL CONSENT
26 DECREE, OR AN ADMINISTRATIVE CONSENT ORDER, OF A FINE OR DAMAGES OF
27 \$32,500.00 OR MORE, EXCLUDING THE COST OF ANY SUPPLEMENTAL

1 ENVIRONMENTAL PROJECT USED TO OFFSET A FINE, FOR A VIOLATION OF AN
2 APPLICABLE STATE ENVIRONMENTAL REQUIREMENT.

3 (2) TO QUALIFY FOR AN ENVIRONMENTAL LEADER DESIGNATION WITH
4 RESPECT TO AN ESTABLISHMENT, THE OPERATOR SHALL ADDRESS ANY
5 OUTSTANDING VIOLATION THAT IS CITED IN A VIOLATION NOTICE
6 PERTAINING TO THAT ESTABLISHMENT AND THAT, AS DETERMINED BY THE
7 DEPARTMENT, SUBSTANTIALLY ENDANGERS THE PUBLIC HEALTH, SAFETY, OR
8 WELFARE OR THE ENVIRONMENT BY DOING 1 OR MORE OF THE FOLLOWING:

9 (A) PROMPTLY RESOLVING THE VIOLATION.

10 (B) DEMONSTRATING TO THE DEPARTMENT, THE UNITED STATES
11 ENVIRONMENTAL PROTECTION AGENCY, OR THE LOCAL ENFORCING AGENCY THAT
12 ISSUED THE VIOLATION NOTICE THAT THE VIOLATION DID NOT OCCUR.

13 (C) ADHERING TO A COMPLIANCE SCHEDULE THAT IS ACCEPTABLE TO
14 THE DEPARTMENT, THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
15 OR THE LOCAL ENFORCING AGENCY THAT ISSUED THE VIOLATION NOTICE, TO
16 CORRECT THE VIOLATION.

17 (3) IF AN ESTABLISHMENT OBTAINS A NEW OPERATOR, THE DIRECTOR
18 MAY CHOOSE TO CONSIDER THE ENVIRONMENTAL RECORD OF ONLY THE NEW
19 OPERATOR IN DETERMINING WHETHER THE REQUIREMENTS OF THIS SECTION
20 ARE MET.

21 SEC. 1409. TO QUALIFY FOR AN ENVIRONMENTAL LEADER DESIGNATION
22 WITH RESPECT TO AN ESTABLISHMENT, THE OPERATOR SHALL MEET 1 OF THE
23 FOLLOWING ENVIRONMENTAL MANAGEMENT SYSTEM REQUIREMENTS:

24 (A) OBTAIN AND OPERATE THE ESTABLISHMENT IN ACCORDANCE WITH
25 REGISTRATION OR CERTIFICATION UNDER AN ENVIRONMENTAL MANAGEMENT
26 STANDARD, SUCH AS ISO 14001:2004, THAT IS APPROVED BY THE DIRECTOR.

27 (B) DEVELOP, IMPLEMENT, AND MAINTAIN A WRITTEN ENVIRONMENTAL

1 MANAGEMENT SYSTEM THAT IS CONSISTENT WITH THE REQUIREMENTS OF ISO
2 14001:2004 AND APPROPRIATE FOR THE NATURE, SCALE, AND POTENTIAL
3 ENVIRONMENTAL IMPACT OF THE OPERATION AT THE ESTABLISHMENT.

4 (C) ADOPT AND MAINTAIN AN ENVIRONMENTAL MANAGEMENT SYSTEM,
5 APPROVED BY THE DIRECTOR, APPLICABLE TO A SPECIFIC GROUP OR
6 CLASSIFICATION OF ESTABLISHMENTS THAT INCLUDES THAT ESTABLISHMENT.
7 THE ENVIRONMENTAL MANAGEMENT SYSTEM SHALL BE CONSISTENT WITH THE
8 REQUIREMENTS OF ISO 14001:2004 AND BE APPROPRIATE FOR THE NATURE,
9 SCALE, AND POTENTIAL ENVIRONMENTAL IMPACT OF THE OPERATION.

10 SEC. 1411. TO QUALIFY FOR AN ENVIRONMENTAL LEADER DESIGNATION
11 WITH RESPECT TO AN ESTABLISHMENT, THE OPERATOR SHALL DO BOTH OF THE
12 FOLLOWING:

13 (A) ADOPT AND MAINTAIN A WRITTEN ENVIRONMENTAL POLICY, SIGNED
14 BY AN AUTHORIZED OFFICIAL OF THE OPERATOR, THAT PROMOTES POLLUTION
15 PREVENTION.

16 (B) ESTABLISH AND MAINTAIN A PROGRAM SPECIFIC FOR THAT
17 ESTABLISHMENT UNDER WHICH THE OPERATOR DOES ALL OF THE FOLLOWING:

18 (i) POSTS AT THE ESTABLISHMENT THE ENVIRONMENTAL POLICY
19 REQUIRED IN SUBDIVISION (A).

20 (ii) CONDUCTS PERIODIC ASSESSMENTS THAT IDENTIFY OPPORTUNITIES
21 FOR POLLUTION PREVENTION.

22 (iii) ESTABLISHES GOALS FOR REDUCING OR PREVENTING POLLUTION,
23 INDICATING THE TYPES OF POLLUTION, WHETHER EACH POLLUTANT WOULD
24 AFFECT THE AIR, WATER, OR LAND, POLLUTION PREVENTION OR REDUCTION
25 MEASURES TO BE UNDERTAKEN, AND PROJECTED TIME FRAMES.

26 (iv) PREPARES AND MAINTAINS REPORTS TO DEMONSTRATE PROGRESS
27 TOWARD ATTAINING THE GOALS ESTABLISHED UNDER SUBPARAGRAPH (iii).

1 (v) PROVIDES FOR THE EXCHANGE OF INFORMATION CONCERNING
2 POLLUTION PREVENTION ACTIVITIES, SUCH AS ANY OF THE FOLLOWING:

3 (A) ATTENDING OR SPONSORING WORKSHOPS.

4 (B) ASSISTING IN THE DEVELOPMENT AND DISSEMINATION OF CASE
5 STUDIES.

6 (C) ESTABLISHING POLLUTION PREVENTION SUPPLIER NETWORKS.

7 (D) PROVIDING THE DEPARTMENT WITH POLLUTION PREVENTION
8 INFORMATION FOR POSSIBLE PUBLICATION.

9 SEC. 1413. (1) TO OBTAIN AN ENVIRONMENTAL LEADER DESIGNATION
10 WITH RESPECT TO AN ESTABLISHMENT, THE OPERATOR OF THE ESTABLISHMENT
11 SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT. THE APPLICATION
12 SHALL BE SUBMITTED ON A FORM PROVIDED BY THE DEPARTMENT, TOGETHER
13 WITH ALL OF THE FOLLOWING:

14 (A) A CERTIFIED STATEMENT THAT THE APPLICANT MEETS THE
15 REQUIREMENTS OF SECTIONS 1407, 1409, AND 1411.

16 (B) INFORMATION DEMONSTRATING THE APPLICANT'S COMPLIANCE WITH
17 SECTION 1409, INCLUDING A DETAILED SUMMARY OF EACH ELEMENT OF THE
18 ENVIRONMENTAL MANAGEMENT SYSTEM.

19 (C) INFORMATION DEMONSTRATING THE APPLICANT'S COMPLIANCE WITH
20 SECTION 1411, INCLUDING A COPY OF THE APPLICANT'S ENVIRONMENTAL
21 POLICY.

22 (D) A COMBINED LIST OF THE SIGNIFICANT GOALS ESTABLISHED IN
23 THE ENVIRONMENTAL MANAGEMENT SYSTEM AND THE POLLUTION PREVENTION
24 PROGRAM.

25 (E) A LIST OF ANY CRIMINAL CONVICTIONS OR ANY CIVIL FINES,
26 PENALTIES, OR DAMAGES ASSESSED RELATIVE TO APPLICABLE FEDERAL
27 ENVIRONMENTAL REQUIREMENTS ARISING OUT OF OPERATIONS AT THE

1 ESTABLISHMENT DURING THE PAST 3 YEARS.

2 (F) IF THE OPERATOR IS DESIGNATED AS AN ENVIRONMENTAL LEADER
3 WITH RESPECT TO THAT ESTABLISHMENT WHEN THE APPLICATION IS FILED,
4 THE LATEST ANNUAL REPORT REQUIRED UNDER SECTION 1419.

5 (2) THE DEPARTMENT SHALL DETERMINE WHETHER THE APPLICATION IS
6 ADMINISTRATIVELY COMPLETE WITHIN 14 DAYS AFTER RECEIPT OF THE
7 APPLICATION.

8 (3) IF THE APPLICATION IS ADMINISTRATIVELY COMPLETE, THE
9 DEPARTMENT SHALL PUBLISH IN THE DEPARTMENT CALENDAR AND POST ON ITS
10 WEBSITE A NOTICE OF RECEIPT OF THE APPLICATION AND RELATED
11 DOCUMENTATION AND OF THE AVAILABILITY OF THE APPLICATION AND
12 RELATED DOCUMENTATION FOR PUBLIC REVIEW AND COMMENT. THE NOTICE
13 SHALL INCLUDE THE DEPARTMENT'S ELECTRONIC MAIL AND POSTAL MAILING
14 ADDRESSES FOR RECEIPT OF COMMENTS. COMMENTS SHALL BE RECEIVED FOR A
15 PERIOD OF AT LEAST 30 DAYS AFTER NOTICE IS GIVEN UNDER THIS
16 SUBSECTION.

17 (4) WITHIN 90 DAYS AFTER RECEIPT OF AN ADMINISTRATIVELY
18 COMPLETE APPLICATION FOR AN ENVIRONMENTAL LEADER DESIGNATION,
19 UNLESS AN EXTENSION OF TIME IS REQUESTED BY THE APPLICANT, THE
20 DIRECTOR SHALL APPROVE OR DISAPPROVE THE APPLICATION AND NOTIFY THE
21 APPLICANT. THE DIRECTOR SHALL APPROVE THE APPLICATION IF THE
22 APPLICATION MEETS THE REQUIREMENTS OF THIS PART. OTHERWISE, THE
23 DIRECTOR SHALL DISAPPROVE THE APPLICATION. A NOTIFICATION OF
24 DISAPPROVAL SHALL INCLUDE THE SPECIFIC REASONS FOR THE DISAPPROVAL.

25 (5) IF THE APPLICATION IS DISAPPROVED, THE UNSUCCESSFUL
26 APPLICANT MAY REAPPLY FOR AN ENVIRONMENTAL LEADER DESIGNATION AT
27 ANY TIME.

1 (6) IF A DOCUMENT OTHERWISE REQUIRED TO BE SUBMITTED TO THE
2 DEPARTMENT WITH AN APPLICATION UNDER THIS SECTION OR AN ANNUAL
3 REPORT UNDER SECTION 1419 IS ALREADY IN THE POSSESSION OF THE
4 DEPARTMENT, THE APPLICATION OR ANNUAL REPORT MAY INCORPORATE THE
5 DOCUMENT BY REFERENCE WITHOUT INCLUDING A COPY OF THE DOCUMENT.

6 SEC. 1415. THE TERM OF AN ENVIRONMENTAL LEADER DESIGNATION IS
7 2 YEARS. HOWEVER, IF THE OPERATOR WAS CERTIFIED UNDER ISO
8 14001:2004 WHEN THE ENVIRONMENTAL LEADER DESIGNATION WAS GRANTED,
9 THE TERM OF THE ENVIRONMENTAL LEADER DESIGNATION IS 3 YEARS.

10 SEC. 1417. (1) THE DIRECTOR SHALL TERMINATE AN OPERATOR'S
11 ENVIRONMENTAL LEADER DESIGNATION WITH RESPECT TO AN ESTABLISHMENT
12 IF THE DIRECTOR, AFTER NOTICE AND AN OPPORTUNITY FOR AN EVIDENTIARY
13 HEARING UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA
14 306, MCL 24.201 TO 24.328, DETERMINES THAT THE OPERATOR DOES NOT
15 MEET APPLICABLE REQUIREMENTS OF SECTION 1407, 1409, OR 1411.

16 (2) THE DIRECTOR SHALL ADVISE AN OPERATOR OF THE DIRECTOR'S
17 INTENT TO TERMINATE THE PERSON'S ENVIRONMENTAL LEADER DESIGNATION
18 NOT LESS THAN 30 DAYS BEFORE TERMINATING THE DESIGNATION.

19 (3) A PERSON OPERATING AN ESTABLISHMENT MAY REAPPLY FOR
20 ENVIRONMENTAL LEADER DESIGNATION AT ANY TIME.

21 SEC. 1419. AN ENVIRONMENTAL LEADER SHALL SUBMIT AN ANNUAL
22 REPORT NOT LATER THAN 60 DAYS BEFORE THE ANNUAL ANNIVERSARY DATE OF
23 THE CURRENT ENVIRONMENTAL LEADER DESIGNATION. THE ANNUAL REPORT
24 SHALL DO ALL OF THE FOLLOWING:

25 (A) SUMMARIZE THE ACTIVITIES UNDERTAKEN OVER THE PAST YEAR TO
26 DO THE FOLLOWING:

27 (i) IDENTIFY AND REPORT ON IMPLEMENTATION OF STANDARDIZED

1 POLLUTION PREVENTION MEASURES CONSISTENT WITH SECTION 1409, ON A
2 FORM PROVIDED BY THE DEPARTMENT.

3 (ii) SET, REVISE, AND ATTAIN OBJECTIVES AND IMPLEMENT MEASURES
4 IN THE ENVIRONMENTAL LEADER'S ENVIRONMENTAL MANAGEMENT SYSTEM AND
5 POLLUTION PREVENTION PROGRAMS.

6 (B) INCLUDE A STATEMENT BY A RESPONSIBLE OFFICIAL THAT THE
7 ENVIRONMENTAL LEADER IS IN COMPLIANCE WITH SECTIONS 1407, 1409, AND
8 1411.

9 SEC. 1421. (1) IF THE OPERATOR OF AN ESTABLISHMENT IS AN
10 ENVIRONMENTAL LEADER WITH RESPECT TO THAT ESTABLISHMENT, ALL OF THE
11 FOLLOWING APPLY:

12 (A) THE DEPARTMENT SHALL GIVE THE OPERATOR PRIORITY OVER
13 PERSONS THAT ARE NOT ENVIRONMENTAL LEADERS IN ALL OF THE FOLLOWING:

14 (i) COMPLIANCE ASSISTANCE PROGRAMS APPLICABLE TO THE
15 ESTABLISHMENT, SUCH AS THE RETIRED ENGINEERS TECHNICAL ASSISTANCE
16 PROGRAM CREATED IN SECTION 14511.

17 (ii) PROCESSING PERMIT OR OPERATING LICENSE RENEWAL
18 APPLICATIONS FOR THE ESTABLISHMENT.

19 (B) THE DEPARTMENT SHALL PROVIDE THE ENVIRONMENTAL LEADER WITH
20 FREE TRAINING ON PERFORMING ENVIRONMENTAL AUDITS UNDER PART 148.

21 (C) THE TERM OF A PERMIT ISSUED BY THE DEPARTMENT FOR THE
22 ESTABLISHMENT SHALL BE TWICE THE TERM THAT WOULD OTHERWISE APPLY.

23 (D) THE OPERATOR SHALL RECEIVE A PREFERENCE FOR STATE
24 PURCHASES AS PROVIDED IN SECTION 261 OF THE MANAGEMENT AND BUDGET
25 ACT, 1984 PA 431, MCL 18.1261.

26 (E) THE OPERATOR SHALL RECEIVE A PREFERENCE FOR STATE GRANTS
27 AND LOANS RELATED TO OPERATIONS AT THAT ESTABLISHMENT.

1 (F) THE OPERATOR MAY UTILIZE ESTABLISHMENT-WIDE APPLICABLE
2 LIMITATIONS AND INTERLINE AVERAGING OR TRADING PROGRAMS TO THE
3 EXTENT ALLOWED BY FEDERAL AND STATE RULES TO MAINTAIN OVERALL
4 EMISSIONS LEVELS AND ENVIRONMENTAL DISCHARGES IF THE EMISSIONS OR
5 DISCHARGES REMAIN WITHIN PERMITTED AND ALLOWED RATES FOR THAT
6 ESTABLISHMENT AND WERE PREVIOUSLY DETERMINED TO BE ACCEPTABLE
7 THROUGH PERMITTING OR OTHER REGULATORY ACTIONS.

8 (G) THE OPERATOR QUALIFIES FOR ANY ADDITIONAL ENVIRONMENTAL
9 LEADER BENEFITS FOR THE ESTABLISHMENT SET FORTH IN RULES
10 PROMULGATED UNDER ANY OF THE FOLLOWING:

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

12 (ii) THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1001 TO
13 325.1023.

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

16 (H) THE DEPARTMENT SHALL CONDUCT ROUTINE INSPECTIONS OF THE
17 ESTABLISHMENT HALF AS FREQUENTLY AS THE INSPECTIONS WOULD BE
18 CONDUCTED IF THE OPERATOR WERE NOT AN ENVIRONMENTAL LEADER.

19 (I) THE DEPARTMENT SHALL GIVE THE OPERATOR AT LEAST 72 HOURS'
20 ADVANCE NOTICE OF ANY ROUTINE INSPECTION OF THE ESTABLISHMENT.

21 (J) DURING THE 1-YEAR PERIOD COMMENCING ON THE DATE OF THE
22 INITIAL DESIGNATION OF THE OPERATOR AS AN ENVIRONMENTAL LEADER, THE
23 DEPARTMENT SHALL WAIVE 15% OF THE TOTAL OF ALL PERMIT, LICENSE, OR
24 OTHER FEES THAT THE OPERATOR WOULD OTHERWISE BE REQUIRED TO PAY THE
25 DEPARTMENT WITH RESPECT TO OPERATIONS AT THE ESTABLISHMENT.

26 (K) THE OPERATOR IS NOT RESPONSIBLE FOR DAMAGES TO NATURAL
27 RESOURCES RESULTING FROM A VIOLATION OF AN APPLICABLE STATE

1 ENVIRONMENTAL REQUIREMENT OR APPLICABLE FEDERAL ENVIRONMENTAL
2 REQUIREMENT AT THE ESTABLISHMENT UNLESS THE OPERATOR'S
3 RESPONSIBILITY IS ESTABLISHED BY A PREPONDERANCE OF THE EVIDENCE.

4 (l) SUBJECT TO SUBSECTION (2), THE OPERATOR IS NOT SUBJECT TO A
5 CIVIL FINE FOR A VIOLATION OF APPLICABLE STATE ENVIRONMENTAL
6 REQUIREMENTS AT THE ESTABLISHMENT IF ALL OF THE FOLLOWING
7 CONDITIONS ARE MET:

8 (i) THE OPERATOR ACTED PROMPTLY TO CORRECT THE VIOLATION AFTER
9 DISCOVERY.

10 (ii) THE OPERATOR REPORTED THE VIOLATION TO THE DEPARTMENT
11 WITHIN 24 HOURS AFTER THE DISCOVERY OR WITHIN ANY SHORTER TIME
12 PERIOD OTHERWISE REQUIRED BY LAW.

13 (2) SUBSECTION (1) (l) DOES NOT APPLY IF 1 OR MORE OF THE
14 FOLLOWING ARE ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE:

15 (A) THE ACTIONS OF THE OPERATOR POSE OR POSED A SUBSTANTIAL
16 ENDANGERMENT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE.

17 (B) THE VIOLATION WAS INTENTIONAL OR OCCURRED AS THE RESULT OF
18 THE OPERATOR'S GROSS NEGLIGENCE.

19 SEC. 1423. UPON TERMINATION OF AN ENVIRONMENTAL LEADER
20 DESIGNATION WITH RESPECT TO AN ESTABLISHMENT, ALL BENEFITS PROVIDED
21 TO THE FORMER ENVIRONMENTAL LEADER UNDER SECTION 1421 FOR THAT
22 ESTABLISHMENT TERMINATE.

23 SEC. 1425. THE DEPARTMENT SHALL MAINTAIN A COPY OF ISO
24 14001:2004 AVAILABLE FOR INSPECTION AT THE DEPARTMENT'S
25 HEADQUARTERS IN LANSING. UPON REQUEST, THE DEPARTMENT SHALL PROVIDE
26 INFORMATION ON HOW TO PURCHASE A COPY OF ISO 14001:2004 FROM THE
27 AMERICAN NATIONAL STANDARDS INSTITUTE.

1 SEC. 1427. THE DEPARTMENT SHALL NOT PROCESS AN APPLICATION OR
2 RENEWAL REQUEST FOR A CLEAN CORPORATE CITIZEN DESIGNATION UNDER R
3 324.1501 TO R 324.1511 OF THE MICHIGAN ADMINISTRATIVE CODE
4 SUBMITTED ON OR AFTER THE EFFECTIVE DATE OF THE 2012 AMENDATORY ACT
5 THAT ADDED THIS SECTION. A CLEAN CORPORATE CITIZEN DESIGNATION
6 SHALL BE CONSIDERED TO BE AN ENVIRONMENTAL LEADER DESIGNATION FOR
7 THE PURPOSES OF THIS PART FOR THE DURATION OF THE TERM OF THE CLEAN
8 CORPORATE CITIZEN DESIGNATION.

9 SEC. 1429. THIS PART SHALL NOT BE CONSTRUED IN A MANNER THAT
10 CONFLICTS WITH OR AUTHORIZES ANY VIOLATION OF STATE OR FEDERAL LAW.