

HOUSE BILL No. 4495

April 9, 2013, Introduced by Reps. Lauwers, Shirkey, Daley, Glardon, Kurtz, Denby, Johnson, Outman, Rendon, Victory, Pagel, McBroom, Santana, Goike, Cotter, Clemente, Yonker, Haines, Muxlow, Walsh, Pettalia and Heise and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
 "Natural resources and environmental protection act,"
 by amending section 3112 (MCL 324.3112), as amended by 2005 PA 33.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3112. (1) A person shall not discharge any waste or waste
 2 effluent into the waters of this state unless the person is in
 3 possession of a valid permit from the department.

4 (2) An application for a permit under subsection (1) shall be
 5 submitted to the department. Within 30 days after an application
 6 for a new or increased use is received, the department shall
 7 determine whether the application is administratively complete.
 8 Within 90 days after an application for reissuance of a permit is
 9 received, the department shall determine whether the application is
 10 administratively complete. If the department determines that an
 11 application is not complete, the department shall notify the

1 applicant in writing within the applicable time period. If the
2 department does not make a determination as to whether the
3 application is complete within the applicable time period, the
4 application shall be considered to be complete.

5 (3) The department shall condition the continued validity of a
6 permit upon the permittee's meeting the effluent requirements that
7 the department considers necessary to prevent unlawful pollution by
8 the dates that the department considers to be reasonable and
9 necessary and to assure compliance with applicable federal law and
10 regulations. If the department finds that the terms of a permit
11 have been, are being, or may be violated, it may modify, suspend,
12 or revoke the permit or grant the permittee a reasonable period of
13 time in which to comply with the permit. The department may reissue
14 a revoked permit upon a showing satisfactory to the department that
15 the permittee has corrected the violation. A person who has had a
16 permit revoked may apply for a new permit.

17 (4) If the department determines that a person is causing or
18 is about to cause unlawful pollution of the waters of this state,
19 the department may notify the alleged offender of its determination
20 and enter an order requiring the person to abate the pollution or
21 refer the matter to the attorney general for legal action, or both.

22 (5) A person who is aggrieved by an order of abatement of the
23 department or by the reissuance, modification, suspension, or
24 revocation of an existing permit of the department executed
25 pursuant to this section may file a sworn petition with the
26 department setting forth the grounds and reasons for the complaint
27 and asking for a contested case hearing on the matter pursuant to

1 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
2 to 24.328. A petition filed more than 60 days after action on the
3 order or permit may be rejected by the department as being
4 untimely.

5 (6) ~~Beginning January 1, 2007, all~~ **ALL** oceangoing vessels
6 engaging in port operations in this state shall obtain a permit
7 from the department. The department shall issue a permit for an
8 oceangoing vessel only if the applicant can demonstrate that the
9 oceangoing vessel ~~will not discharge aquatic nuisance species or if~~
10 ~~the oceangoing vessel discharges ballast water or other waste or~~
11 ~~waste effluent, that the operator of the vessel will utilize~~
12 ~~environmentally sound technology and methods, as determined by the~~
13 ~~department, that can be used to prevent the discharge of aquatic~~
14 ~~nuisance species.~~ **IS IN COMPLIANCE WITH SECTIONS 151.1500 TO**
15 **151.1518 OF 33 CFR PART 151, SUBPART C.**

16 (7) The department shall cooperate to the fullest extent
17 practical with other Great Lakes basin states, the Canadian Great
18 Lakes provinces, the Great Lakes panel on aquatic nuisance species,
19 the Great Lakes fishery commission, the international joint
20 commission, and the Great Lakes commission to ensure development of
21 standards for the control of aquatic nuisance species that are
22 broadly protective of the waters of ~~the~~ **THIS** state and other
23 natural resources. Permit fees for permits under ~~this~~ subsection
24 (6) shall be assessed as provided in section 3120. The permit fees
25 for an individual permit issued under ~~this~~ subsection (6) shall be
26 the fees specified in section 3120(1)(a) and (5)(a). The permit
27 fees for a general permit issued under ~~this~~ subsection (6) shall be

1 the fees specified in section 3120(1)(c) and (5)(b)(i). Permits
2 under ~~this~~-subsection (6) shall be issued in accordance with the
3 timelines provided in section 3120. The department may promulgate
4 rules to implement ~~this~~-subsection (6).