

HOUSE BILL No. 4214

February 15, 2017, Introduced by Reps. Phelps, Chang, Neeley, Love, Pagan, Santana, Hertel, Howrylak, Hoadley, Elder, Sowerby, Hammoud, Gay-Dagnogo, Rabhi, Sneller, Wittenberg, Yanez, Lasinski, Peterson, Robinson and Durhal and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 3101, 3102, 3112, 3113, and 3120 (MCL
324.3101, 324.3102, 324.3112, 324.3113, and 324.3120), section 3101
as amended by 2015 PA 247, section 3112 as amended by 2005 PA 33,
section 3113 as amended by 2004 PA 91, and section 3120 as amended
by 2015 PA 82, and by adding section 3102a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 3101. As used in this part:

(a) "Aquatic nuisance species" means a nonindigenous species
that threatens the diversity or abundance of native species or the
ecological stability of infested waters, or commercial,
agricultural, aquacultural, or recreational activities dependent on

1 ~~such~~ **THOSE** waters.

2 (b) "Ballast water" means water and associated solids taken on
3 board a vessel to control or maintain trim, draft, stability, or
4 stresses on the vessel, without regard to the manner in which it is
5 carried.

6 (c) "Ballast water treatment method" means a method of
7 treating ballast water and sediments to remove or destroy living
8 biological organisms through 1 or more of the following:

9 (i) Filtration.

10 (ii) The application of biocides or ultraviolet light.

11 (iii) Thermal methods.

12 (iv) Other treatment techniques approved by the department.

13 **(D) "COMMISSION" MEANS THE WATER RESOURCES COMMISSION CREATED**
14 **IN SECTION 3102.**

15 **(E)** ~~(d)~~—"Department" means the department of environmental
16 quality.

17 **(F)** ~~(e)~~—"Detroit consumer price index" means the most
18 comprehensive index of consumer prices available for the Detroit
19 area from the United States Department of Labor, Bureau of Labor
20 Statistics.

21 **(G)** ~~(f)~~—"Emergency management coordinator" means that term as
22 defined in section 2 of the emergency management act, 1976 PA 390,
23 MCL 30.402.

24 **(H)** ~~(g)~~—"Great Lakes" means the Great Lakes and their
25 connecting waters, including Lake St. Clair.

26 **(I)** ~~(h)~~—"Group 1 facility" means a facility whose discharge is
27 described by R 323.2218 of the Michigan administrative code.

1 **(J)** ~~(i)~~—"Group 2 facility" means a facility whose discharge is
2 described by R 323.2210(y), R 323.2215, or R 323.2216 of the
3 Michigan administrative code. Group 2 facility does not include a
4 Group 2a facility.

5 **(K)** ~~(j)~~—"Group 2a facility" means a facility whose discharge
6 is described by R 323.2210(y) or R 323.2215 of the Michigan
7 administrative code and that meets 1 or more of the following:

8 (i) The facility's discharge is from a coin-operated
9 laundromat.

10 (ii) The facility's discharge is from a car wash or vehicle
11 wash open to the public.

12 (iii) The facility's discharge is a subsurface sanitary
13 discharge of fewer than 10,000 gallons per day that does not meet
14 the terms for authorization under R 323.2211(a) of the Michigan
15 administrative code.

16 (iv) The facility's discharge is a seasonal sanitary discharge
17 from a public park, public or private recreational vehicle park or
18 campground, or recreational or vacation camp.

19 **(l)** ~~(k)~~—"Group 3 facility" means a facility whose discharge is
20 described by R 323.2211 or R 323.2213 of the Michigan
21 administrative code.

22 **(M)** ~~(l)~~—"Local health department" means that term as defined
23 in section 1105 of the public health code, 1978 PA 368, MCL
24 333.1105.

25 **(N)** ~~(m)~~—"Local unit" means a county, city, village, or
26 township or an agency or instrumentality of any of these entities.

27 **(O)** ~~(n)~~—"Municipality" means this state, a county, city,

1 village, or township, or an agency or instrumentality of any of
2 these entities.

3 (P) ~~(e)~~—"National response center" means the National
4 Communications Center established under the ~~clean water act,~~
5 **FEDERAL WATER POLLUTION CONTROL ACT**, 33 USC 1251 to ~~1387,~~ **1388**,
6 located in Washington, DC, that receives and relays notice of oil
7 discharge or releases of hazardous substances to appropriate
8 federal officials.

9 (Q) ~~(p)~~—"Nonoceangoing vessel" means a vessel that is not an
10 oceangoing vessel.

11 (R) ~~(q)~~—"Oceangoing vessel" means a vessel that operates on
12 the Great Lakes or the St. Lawrence waterway after operating in
13 waters outside of the Great Lakes or the St. Lawrence waterway.

14 (S) ~~(r)~~—"Open water disposal of contaminated dredge materials"
15 means the placement of dredge materials contaminated with toxic
16 substances as defined in R 323.1205 of the Michigan administrative
17 code into the open waters of the waters of the state but does not
18 include the siting or use of a confined disposal facility
19 designated by the United States Army Corps of Engineers or beach
20 nourishment activities utilizing uncontaminated materials.

21 (T) ~~(s)~~—"Primary public safety answering point" means that
22 term as defined in section 102 of the emergency ~~telephone~~ **9-1-1**
23 service enabling act, 1986 PA 32, MCL 484.1102.

24 (U) ~~(t)~~—"Sediments" means any matter settled out of ballast
25 water within a vessel.

26 (V) ~~(u)~~—"Sewage sludge" means sewage sludge generated in the
27 treatment of domestic sewage, other than only septage or industrial

1 waste.

2 (W) ~~(v)~~—"Sewage sludge derivative" means a product for land
3 application derived from sewage sludge that does not include solid
4 waste or other waste regulated under this act.

5 (X) ~~(w)~~—"Sewage sludge generator" means a person who generates
6 sewage sludge that is applied to land.

7 (Y) ~~(x)~~—"Sewage sludge distributor" means a person who
8 applies, markets, or distributes, except at retail, a sewage sludge
9 derivative.

10 (Z) ~~(y)~~—"St. Lawrence waterway" means the St. Lawrence River,
11 the St. Lawrence Seaway, and the Gulf of St. Lawrence.

12 (AA) ~~(z)~~—"Threshold reporting quantity" means that term as
13 defined in R 324.2002 of the Michigan administrative code.

14 (BB) ~~(aa)~~—"Waters of the state" means groundwaters, lakes,
15 rivers, and streams and all other watercourses and waters,
16 including the Great Lakes, within the jurisdiction of this state.

17 Sec. 3102. (1) **THE WATER RESOURCES COMMISSION IS CREATED**
18 **WITHIN THE DEPARTMENT.**

19 (2) **THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:**

20 (A) **THE DIRECTOR OF THE DEPARTMENT.**

21 (B) **THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES.**

22 (C) **ELEVEN MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE**
23 **AND CONSENT OF THE SENATE WHO REPRESENT DIVERSE GEOGRAPHIC AREAS OF**
24 **THIS STATE, AS FOLLOWS:**

25 (i) **TWO INDIVIDUALS REPRESENTING COMMERCE AND INDUSTRY.**

26 (ii) **TWO INDIVIDUALS WITH MEDICAL BACKGROUNDS WHO HAVE**
27 **KNOWLEDGE AND EXPERTISE IN MEDICAL ISSUES ASSOCIATED WITH WATER**

1 CONTAMINATION.

2 (iii) TWO INDIVIDUALS REPRESENTING LOCAL UNITS OF GOVERNMENT.

3 (iv) TWO INDIVIDUALS REPRESENTING PRIVATE ENVIRONMENTAL
4 PROTECTION ORGANIZATIONS.

5 (v) THREE INDIVIDUALS REPRESENTING THE GENERAL PUBLIC.

6 (3) THE GOVERNOR SHALL APPOINT MEMBERS TO THE COMMISSION UNDER
7 SUBSECTION (2) (C) WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE
8 AMENDATORY ACT THAT AMENDED THIS SECTION.

9 (4) MEMBERS OF THE COMMISSION APPOINTED UNDER SUBSECTION
10 (2) (C) SERVE FOR TERMS OF 3 YEARS OR UNTIL A SUCCESSOR IS
11 APPOINTED, WHICHEVER IS LATER, EXCEPT THAT OF THE MEMBERS FIRST
12 APPOINTED 3 SERVE FOR 1 YEAR, 4 SERVE FOR 2 YEARS, AND 4 SERVE FOR
13 3 YEARS.

14 (5) IF A VACANCY OCCURS IN AN APPOINTED SEAT ON THE
15 COMMISSION, THE GOVERNOR SHALL MAKE AN APPOINTMENT FOR THE
16 UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

17 (6) THE GOVERNOR MAY REMOVE A MEMBER OF THE COMMISSION FOR
18 INCOMPETENCE, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR
19 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

20 (7) THE DIRECTOR OF THE DEPARTMENT SHALL CALL THE FIRST
21 MEETING OF THE COMMISSION NOT LATER THAN 60 DAYS AFTER THE
22 EFFECTIVE DATE OF THE AMENDATORY ACT THAT AMENDED THIS SECTION. AT
23 THE FIRST MEETING, THE COMMISSION SHALL ELECT FROM AMONG ITS
24 MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS NECESSARY
25 OR APPROPRIATE. AFTER THE FIRST MEETING, THE COMMISSION SHALL MEET
26 AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE
27 CHAIRPERSON OR IF REQUESTED BY 3 OR MORE MEMBERS.

1 (8) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A
2 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE
3 COMMISSION. A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE
4 REQUIRED FOR OFFICIAL ACTION OF THE COMMISSION.

5 (9) THE BUSINESS THAT THE COMMISSION PERFORMS MUST BE
6 CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLIANCE
7 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

8 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
9 RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL
10 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
11 MCL 15.231 TO 15.246.

12 (11) MEMBERS OF THE COMMISSION SERVE WITHOUT COMPENSATION.
13 HOWEVER, MEMBERS OF THE COMMISSION MAY BE REIMBURSED FOR THEIR
14 ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
15 OFFICIAL DUTIES AS MEMBERS OF THE COMMISSION.

16 (12) THE COMMISSION SHALL CARRY OUT ALL RESPONSIBILITIES AS
17 PROVIDED IN THIS ACT AND AS OTHERWISE PROVIDED BY LAW.

18 (13) The director OF THE DEPARTMENT shall implement this part
19 UNDER THE OVERSIGHT OF THE COMMISSION.

20 SEC. 3102A. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
21 PART, THE COMMISSION SHALL EXERCISE SUPERVISORY AUTHORITY OVER ALL
22 OF THE FOLLOWING UNDER THIS PART:

23 (A) THE ISSUANCE, DENIAL, REVOCATION, SUSPENSION, OR
24 MODIFICATION OF PERMITS.

25 (B) THE PROMULGATION OF RULES.

26 (C) THE DEVELOPMENT OF DEPARTMENT POLICIES.

27 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART, THE

1 DIRECTOR OF THE DEPARTMENT OR THE DEPARTMENT SHALL NOT EXERCISE THE
2 POWERS LISTED IN SUBSECTION (1) WITHOUT THE APPROVAL OF THE
3 COMMISSION.

4 (3) THE COMMISSION SHALL RECEIVE COMPLAINTS OF WATER POLLUTION
5 THAT ALLEGE A VIOLATION OF THIS PART, RULES PROMULGATED UNDER THIS
6 PART, OR ANY DETERMINATION, PERMIT, OR ORDER ISSUED UNDER THIS
7 PART.

8 (4) IN RESPONSE TO A COMPLAINT UNDER SUBSECTION (3), THE
9 COMMISSION MAY DO ANY OF THE FOLLOWING:

10 (A) REQUIRE THE DEPARTMENT TO TAKE INVESTIGATORY OR
11 ENFORCEMENT ACTION AS PROVIDED IN THIS PART.

12 (B) REQUEST THE ATTORNEY GENERAL TO COMMENCE AN ACTION IN
13 COURT AS PROVIDED IN THIS PART.

14 Sec. 3112. (1) A person shall not discharge any waste or waste
15 effluent into the waters of ~~this~~**THE** state unless the person is in
16 possession of a valid permit from the department.

17 (2) An application for a permit under subsection (1) ~~shall~~
18 **MUST** be submitted to the department. Within 30 days after an
19 application for a new or increased use is received, the department
20 shall determine whether the application is administratively
21 complete. Within 90 days after an application for reissuance of a
22 permit is received, the department shall determine whether the
23 application is administratively complete. If the department
24 determines that an application is not complete, the department
25 shall notify the applicant in writing within the applicable time
26 period. If the department does not make a determination as to
27 whether the application is complete within the applicable time

1 period, the application ~~shall~~**MUST** be considered to be complete.

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

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

20 (5) A person who is aggrieved by an order of abatement of the
21 department or by the reissuance, modification, suspension, or
22 revocation of an existing permit ~~of the department executed~~
23 ~~pursuant to~~**ISSUED UNDER** this section may file a sworn petition
24 with the ~~department~~**COMMISSION** setting forth the grounds and
25 reasons for the complaint and asking for a contested case hearing
26 on the matter pursuant to the administrative procedures act of
27 1969, 1969 PA 306, MCL 24.201 to 24.328. A petition filed more than

60 days after action on the order or permit may be rejected by the department ~~COMMISSION~~ as ~~being~~ untimely.

(6) ~~Beginning January 1, 2007, all~~ **ALL** oceangoing vessels engaging in port operations in this state ~~shall obtain~~ **MUST HAVE** a permit from the department. The department shall issue a permit for an oceangoing vessel only if the applicant can demonstrate that the oceangoing vessel will not discharge aquatic nuisance species or if the oceangoing vessel discharges ballast water or other waste or waste effluent, that the operator of the vessel will utilize environmentally sound technology and methods, as determined by the department, ~~that can be used to prevent the discharge of aquatic nuisance species. The department shall cooperate to the fullest extent practical with other Great Lakes basin states, the Canadian Great Lakes provinces, the Great Lakes panel on aquatic nuisance species,~~ **PANEL ON AQUATIC NUISANCE SPECIES**, the Great Lakes fishery ~~commission,~~ **FISHERY COMMISSION**, the ~~international joint commission,~~ **INTERNATIONAL JOINT COMMISSION**, and the Great Lakes ~~commission~~ **COMMISSION** to ensure development of standards for the control of aquatic nuisance species that are broadly protective of the waters of the state and other natural resources. ~~Permit~~ **THE DEPARTMENT SHALL ASSESS PERMIT** fees for permits under this subsection ~~shall be assessed as provided in section 3120. The permit fees for an individual permit issued under this subsection shall be~~ **ARE** the fees specified in section 3120(1)(a) and (5)(a). The permit fees for a general permit issued under this subsection ~~shall be~~ **ARE** the fees specified in section 3120(1)(c) and (5)(b)(i). Permits under this subsection ~~shall~~ **MUST** be issued in accordance with the

1 timelines provided in section 3120. The department may promulgate
2 rules to implement this subsection.

3 Sec. 3113. (1) A person who seeks a new or increased use of
4 the waters of the state for sewage or other waste disposal purposes
5 shall file with the department an application setting forth the
6 information required by the department, including the nature of the
7 enterprise or development contemplated, the amount of water
8 required to be used ~~7~~**AND** its source, the proposed point of
9 discharge of the wastes into the waters of the state, the estimated
10 amount to be discharged, and ~~a statement setting forth the expected~~
11 bacterial, physical, chemical, and other known characteristics of
12 the wastes.

13 (2) If a permit is granted, the department shall condition the
14 permit upon ~~such~~**ANY** restrictions that the department considers
15 necessary to adequately guard against unlawful uses of the waters
16 of the state as ~~are~~ set forth in section 3109.

17 (3) If the permit or denial of a new or increased use is not
18 acceptable to the permittee, the applicant, or any other person,
19 ~~the permittee, the applicant, or other~~**THAT** person may file a sworn
20 petition with the ~~department~~**COMMISSION** setting forth the grounds
21 and reasons for the complaint and asking for a contested case
22 hearing on the matter pursuant to the administrative procedures act
23 of 1969, 1969 PA 306, MCL 24.201 to 24.328. A petition filed more
24 than 60 days after action on the permit application may be rejected
25 by the ~~department~~**COMMISSION** as being untimely.

26 Sec. 3120. (1) Until October 1, 2019, an application for a new
27 permit, a reissuance of a permit, or a modification of an existing

1 permit under this part authorizing a discharge into surface water,
2 other than a storm water discharge, ~~shall~~**MUST** be accompanied by an
3 application fee as follows:

4 (a) For an EPA major facility permit, \$750.00.

5 (b) For an EPA minor facility individual permit, a CSO permit,
6 or a wastewater stabilization lagoon individual permit, \$400.00.

7 (c) For an EPA minor facility general permit, \$75.00.

8 (2) Within 180 days after receipt of a complete application
9 for a new or increased use permit, the department shall either
10 grant or deny the permit, unless the applicant and the department
11 agree to extend this time period.

12 (3) By September 30 of the year following the submittal of a
13 complete application for reissuance of a permit, the department
14 shall either grant or deny the permit, unless the applicant and the
15 department agree to extend this time period.

16 (4) If the department fails to make a decision on an
17 application within the applicable time period under subsection (2)
18 or (3), the department shall return to the applicant the
19 application fee submitted under subsection (1) and the applicant
20 ~~shall~~**IS** not ~~be~~ subject to an application fee and **THE DEPARTMENT**
21 shall ~~receive~~**GRANT** a 15% ~~annual~~ discount on an ~~an~~**THE** annual permit
22 fee required for a permit issued based upon that application.

23 (5) Until October 1, 2019, a person who receives a permit
24 under this part authorizing a discharge into surface water, other
25 than a stormwater discharge, is subject to an annual permit fee as
26 follows:

27 (a) For an industrial or commercial facility that is an EPA

1 major facility, \$8,700.00.

2 (b) For an industrial or commercial facility that is an EPA
3 minor facility, the following amounts:

4 (i) For a general permit for a low-flow facility, \$150.00.

5 (ii) For a general permit for a high-flow facility, \$400.00.

6 (iii) For an individual permit for a low-flow facility,
7 \$1,650.00.

8 (iv) For an individual permit for a high-flow facility,
9 \$3,650.00.

10 (c) For a municipal facility that is an EPA major facility,
11 the following amounts:

12 (i) For an individual permit for a facility discharging 500
13 MGD or more, \$213,000.00.

14 (ii) For an individual permit for a facility discharging 50
15 MGD or more but less than 500 MGD, \$20,000.00.

16 (iii) For an individual permit for a facility discharging 10
17 MGD or more but less than 50 MGD, \$13,000.00.

18 (iv) For an individual permit for a facility discharging less
19 than 10 MGD, \$5,500.00.

20 (d) For a municipal facility that is an EPA minor facility,
21 the following amounts:

22 (i) For an individual permit for a facility discharging 10 MGD
23 or more, \$3,775.00.

24 (ii) For an individual permit for a facility discharging 1 MGD
25 or more but less than 10 MGD, \$3,000.00.

26 (iii) For an individual permit for a facility discharging less
27 than 1 MGD, \$1,950.00.

1 (iv) For a general permit for a high-flow facility, \$600.00.

2 (v) For a general permit for a low-flow facility, \$400.00.

3 (e) For a municipal facility that is a CSO facility,
4 \$6,000.00.

5 (f) For an individual permit for a wastewater stabilization
6 lagoon, \$1,525.00.

7 (g) For an individual or general permit for an agricultural
8 purpose, \$600.00, unless either of the following applies:

9 (i) The facility is an EPA minor facility and would qualify
10 for a general permit for a low-flow facility, in which case the fee
11 is \$150.00.

12 (ii) The facility is an EPA major facility that is not a
13 farmers' cooperative corporation, in which case the fee is
14 \$8,700.00.

15 (h) For a facility that holds a permit issued under this part
16 but has no discharge and is connected to and is authorized to
17 discharge only to a municipal wastewater treatment system, an
18 annual permit maintenance fee of \$100.00. However, if a facility
19 does have a discharge or at some point is no longer connected to a
20 municipal wastewater treatment system, the annual permit fee ~~shall~~
21 ~~be~~ **IS** the appropriate fee as otherwise provided in this subsection.

22 (6) If the person required to pay an application fee under
23 subsection (1) or an annual permit fee under subsection (5) is a
24 municipality, the municipality may pass on the application fee or
25 the annual permit fee, or both, to each user of the municipal
26 facility.

27 (7) The department shall send invoices for annual permit fees

1 under subsection (5) to all permit holders by December 1 of each
2 year. The fee ~~shall~~**MUST** be based on the status of the facility as
3 of October 1 of that year. A person subject to an annual permit fee
4 shall pay the fee not later than January 15 of each year. Failure
5 by the department to send an invoice by the deadline, or failure of
6 a person to receive an invoice, does not relieve that person of his
7 or her obligation to pay the annual permit fee. If the department
8 does not meet the December 1 deadline for sending invoices, the
9 annual permit fee is due not later than 45 days after receiving an
10 invoice. The department shall forward annual permit fees received
11 under this section to the state treasurer for deposit into the
12 national pollutant discharge elimination system fund created in
13 section 3121.

14 (8) The department shall assess a penalty on all annual permit
15 fee payments submitted under this section after the due date ~~—The~~
16 ~~penalty shall be~~**IN** an amount equal to 0.75% of the payment due for
17 each month or portion of a month the payment remains past due.

18 (9) Following payment of an annual permit fee, if a permittee
19 wishes to challenge its annual permit fee under this section, the
20 owner or operator shall submit the challenge in writing to the
21 department. The department shall not process the challenge unless
22 it is received by the department by March 1 of the year the payment
23 is due. A challenge ~~shall~~**MUST** identify the facility and state the
24 grounds upon which the challenge is based. Within 30 calendar days
25 after receipt of the challenge, the department shall determine the
26 validity of the challenge and provide the permittee with
27 notification of a revised annual permit fee and a refund, if

1 appropriate, or a statement setting forth the reason or reasons why
2 the annual permit fee was not revised. If the owner or operator of
3 a facility desires to further challenge its annual permit fee, the
4 owner or operator of the facility has an opportunity for a
5 contested case hearing **BEFORE THE COMMISSION** as provided for under
6 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
7 to 24.328.

8 (10) The attorney general may bring an action for the
9 collection of the annual permit fee imposed under this section.

10 (11) As used in this section:

11 (a) "Agricultural purpose" means the agricultural production
12 or processing of those plants and animals useful to human beings
13 produced by agriculture and includes, but is not limited to,
14 forages and sod crops, grains and feed crops, field crops, dairy
15 animals and dairy products, poultry and poultry products, cervidae,
16 livestock, including breeding and grazing, equine, fish and other
17 aquacultural products, bees and bee products, berries, herbs,
18 fruits, vegetables, flowers, seeds, grasses, nursery stock, trees
19 and tree products, mushrooms, and other similar products, or any
20 other product, as determined by the commission of agriculture and
21 rural development, that incorporates the use of food, feed, fiber,
22 or fur. Agricultural purpose includes an operation or facility that
23 produces wine.

24 (b) "Combined sewer overflow" means a discharge from a
25 combined sewer system that occurs when the flow capacity of the
26 combined sewer system is exceeded at a point prior to the headworks
27 of a publicly owned treatment works during wet weather conditions.

1 (c) "Combined sewer system" means a sewer designed and used to
2 convey both storm water runoff and sanitary sewage, and that
3 contains lawfully installed regulators and control devices that
4 allow for delivery of sanitary flow to treatment during dry weather
5 periods and divert storm water and sanitary sewage to surface
6 waters during storm flow periods.

7 (d) "CSO facility" means a facility whose discharge is solely
8 a combined sewer overflow.

9 (e) "EPA major facility" means a facility that is designated
10 by the United States Environmental Protection Agency as being a
11 major facility under 40 CFR 122.2.

12 (f) "EPA minor facility" means a facility that is not an EPA
13 major facility.

14 (g) "Farmers' cooperative corporation" means a farmers'
15 cooperative corporation organized within the limitations of section
16 98 of 1931 PA 327, MCL 450.98.

17 (h) "General permit" means a permit suitable for use at
18 facilities meeting eligibility criteria as specified in the permit.
19 With a general permit, the discharge from a specific facility is
20 acknowledged through a certificate of coverage issued to the
21 facility.

22 (i) "High-flow facility" means a facility that discharges 1
23 MGD or more.

24 (j) "Individual permit" means a permit developed for a
25 particular facility, taking into account that facility's specific
26 characteristics.

27 (k) "Industrial or commercial facility" means a facility that

1 is not a municipal facility.

2 (l) "Low-flow facility" means a facility that discharges less
3 than 1 MGD.

4 (m) "MGD" means 1,000,000 gallons per day.

5 (n) "Municipal facility" means a facility that is designed to
6 collect or treat sanitary wastewater, and is either publicly or
7 privately owned, and serves a residential area or a group of
8 municipalities.

9 (o) "Wastewater stabilization lagoon" means a type of
10 treatment system constructed of ponds or basins designed to
11 receive, hold, and treat sanitary wastewater for a predetermined
12 amount of time through a combination of physical, biological, and
13 chemical processes.

14 Enacting section 1. This amendatory act takes effect 90 days
15 after the date it is enacted into law.