

# HOUSE BILL NO. 5003

June 15, 2021, Introduced by Rep. Thanedar 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), as  
amended by 2017 PA 90.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 3110. (1) Each industrial or commercial entity, other  
2       than a concentrated animal feed operation, that discharges liquid  
3       wastes into any surface water or groundwater or underground or on  
4       the ground other than through a public sanitary sewer shall have

1 waste treatment or control facilities under the specific  
2 supervision and control of ~~persons~~**individuals** who ~~have been~~**are**  
3 certified by the department as properly qualified to operate the  
4 facilities. The department shall examine all supervisory personnel  
5 having supervision and control of the facilities, other than a  
6 concentrated animal feed operation, and certify that the ~~persons~~  
7 **individuals** are properly qualified to operate or supervise the  
8 facilities.

9 (2) The department may conduct a program for training ~~persons~~  
10 **individuals** seeking to be certified as operators or supervisors  
11 under subsection (1), section 4104, or section 9 of the safe  
12 drinking water act, 1976 PA 399, MCL 325.1009. ~~Until October 1,~~  
13 ~~2021, the~~**The** department may charge a fee based on the costs to the  
14 department of operating this training program. The fees ~~shall~~**must**  
15 be deposited into the operator training and certification fund  
16 created in section 3134.

17 (3) The department shall administer certification operator  
18 programs for ~~persons~~**individuals** seeking to be certified as  
19 operators or supervisors under subsection (1), section 4104, or  
20 section 9 of the safe drinking water act, 1976 PA 399, MCL  
21 325.1009. ~~A person wishing~~**An individual that wishes** to become  
22 certified as an operator or a supervisor shall submit an  
23 application to the department containing information required by  
24 the department. Information submitted as part of the application  
25 ~~shall~~**must** be considered part of the examination for certification.  
26 ~~Until October 1, 2021, the~~**The** department may charge a  
27 certification examination fee and a certification renewal fee in  
28 accordance with the following fee schedule:

29 (a) For certification examinations under subsection (1), the

1 following fees apply:

2 (i) Industrial wastewater certification level 1 or 2  
3 examination as described under subrule (2) of R 323.1253 of the  
4 Michigan Administrative Code, ~~\$35.00.~~ **\$70.00.**

5 (ii) Industrial wastewater certification level 3 examination as  
6 described under subrule (2) of R 323.1253 of the Michigan  
7 Administrative Code, ~~\$40.00.~~ **\$80.00.**

8 (iii) Industrial wastewater special classification A-1a  
9 examination or noncontact cooling water A-1h examination as  
10 described under subrule (2) of R 323.1253 of the Michigan  
11 Administrative Code, ~~\$30.00.~~ **\$60.00.**

12 (iv) ~~Storm water~~ **Stormwater** industrial certification A-1i  
13 examination as described under subrule (2) of R 323.1253 of the  
14 Michigan Administrative Code, ~~\$30.00.~~ **\$190.00.**

15 (b) For certification examinations under section 4104, the  
16 following fees apply:

17 (i) Municipal wastewater certification level A, B, C, or D  
18 examination as described under subrule (1) of R 299.2911 of the  
19 Michigan Administrative Code, ~~\$70.00.~~ **\$140.00.**

20 (ii) Municipal wastewater certification level L2 examination as  
21 described under subrule (3) (a) of R 299.2911 of the Michigan  
22 Administrative Code, ~~\$45.00.~~ **\$90.00.**

23 (iii) Municipal wastewater certification level L1 examination as  
24 described under subrule (3) (b) of R 299.2911 of the Michigan  
25 Administrative Code, ~~\$45.00.~~ **\$90.00.**

26 (iv) Municipal wastewater certification level SC examination as  
27 described under subrule (4) of R 299.2911 of the Michigan  
28 Administrative Code, ~~\$45.00.~~ **\$90.00.**

29 (c) For certification examinations under section 9 of the safe

1 drinking water act, 1976 PA 399, MCL 325.1009, for operators of the  
2 following systems, the following fees apply:

3 (i) Drinking water complete treatment system classes F-1, F-2,  
4 F-3, or F-4 as described under subrule (1) of R 325.11901 of the  
5 Michigan Administrative Code, ~~\$70.00.~~**\$140.00.**

6 (ii) Drinking water limited treatment system classes D-1, D-2,  
7 D-3, or D-4 as described under subrule (2) of R 325.11901 of the  
8 Michigan Administrative Code, ~~\$70.00.~~**\$140.00.**

9 (iii) Drinking water distribution system classes S-1, S-2, S-3,  
10 or S-4 as described under R 325.11902 of the Michigan  
11 Administrative Code, ~~\$70.00.~~**\$140.00.**

12 (iv) Drinking water complete treatment system class F-5 as  
13 described under subrule (1) of R 325.11901 of the Michigan  
14 Administrative Code, ~~\$45.00.~~**\$90.00.**

15 (v) Drinking water limited treatment system class D-5 as  
16 described under subrule (2) of R 325.11901 of the Michigan  
17 Administrative Code, ~~\$45.00.~~**\$90.00.**

18 (vi) Drinking water distribution system class S-5 as described  
19 under R 325.11902 of the Michigan Administrative Code,  
20 ~~\$45.00.~~**\$90.00.**

21 (d) For certification renewals under subsection (1), the  
22 following fees apply:

23 (i) ~~Storm water~~**Stormwater** industrial certification A-1i as  
24 described under subrule (2) of R 323.1253 of the Michigan  
25 Administrative Code, ~~\$95.00.~~**\$100.00.**

26 (ii) ~~Storm water~~**Stormwater** construction certification A-1j as  
27 described under subrule (2) of R 323.1253 of the Michigan  
28 Administrative Code, ~~\$95.00.~~**\$100.00.**

29 (iii) All other industrial wastewater certification levels 1, 2,

1 or 3 as described under subrule (2) of R 323.1253 of the Michigan  
2 Administrative Code and issued on a single certificate,  
3 ~~\$95.00.~~ **\$190.00.**

4 (e) For certification renewals under section 4104 for all  
5 municipal wastewater certification levels as described under R  
6 299.2911 of the Michigan Administrative Code and issued on a single  
7 certificate, ~~\$95.00.~~ **\$190.00.**

8 (f) For certification renewals under section 9 of the safe  
9 drinking water act, 1976 PA 399, MCL 325.1009, for all drinking  
10 water certification levels as described under R 325.11901 or R  
11 325.11902 of the Michigan Administrative Code and issued on a  
12 single certificate, ~~\$95.00.~~ **\$140.00.**

13 (4) The failure to pay a required certification examination  
14 fee within 90 days after taking an examination is considered  
15 failure of the examination. The department shall not allow an  
16 individual to take a future examination within the failed  
17 examination program unless he or she pays the prior fee in full.

18 (5) The department shall conduct a program for persons or  
19 organizations seeking to offer approved continuing education  
20 courses to be used by certified operators and supervisors when  
21 renewing their certifications under subsection (1), section 4104,  
22 and section 9 of the safe drinking water act, 1976 PA 399, MCL  
23 325.1009. The department may charge continuing education providers  
24 a course application fee and course renewal fee as provided in the  
25 following fee schedule:

26 (a) An application for approval of a training course, ~~\$75.00~~  
27 **\$150.00** for each course.

28 (b) An application for renewal of an approved training course,  
29 ~~\$50.00.~~ **\$100.00** for each course.

1 (6) All fees collected under this section ~~shall~~**must** be  
2 deposited in the operator training and certification fund  
3 ~~established~~**created** in section 3134.

4 (7) ~~A person~~**An individual** certified as required by subsection  
5 (1) shall file monthly, or at ~~such~~ longer intervals as the  
6 department may designate, on forms provided by the department,  
7 reports showing the effectiveness of the treatment or control  
8 facility operation and the quantity and quality of discharged  
9 liquid wastes. If ~~a person~~**an individual** knowingly makes a false  
10 statement in a report, the department may revoke his or her  
11 certificate as an approved treatment facility operator.

12 (8) This section does not apply to water, gas, or other  
13 material that is injected into a well to facilitate production of  
14 oil or gas or to water derived in association with oil or gas  
15 production and disposed of in a well, if the well is used either to  
16 facilitate production or for disposal purposes and is under permit  
17 by the state supervisor of wells.

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

1 **individuals** as to their qualifications to operate sewage treatment  
2 works. The department shall promulgate rules regarding the  
3 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 as provided in those rules. Every sewage treatment works subject to  
7 this part ~~shall~~**must** 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) As provided in section 3110, the department may conduct a  
13 program for training ~~persons~~**individuals** seeking to be certified as  
14 operators under subsection (1) and shall administer operator  
15 certification programs for ~~persons~~**individuals** seeking to be  
16 certified as operators under subsection (1). ~~Until October 1, 2021,~~  
17 ~~the~~**The** department may charge fees for these programs as provided  
18 in 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.