

# HOUSE BILL NO. 4035

January 28, 2025, Introduced by Reps. Wozniak, Johnsen, Aragona, St. Germaine, Greene, Alexander, BeGole and Morgan and referred to Committee on Natural Resources and Tourism.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding section 3115b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3115b. (1) If a person discharges a substance in  
2 violation of a permit issued under this part and the person  
3 responsible for the discharge is a county with a population of more  
4 than 1,000,000, the county shall submit a discharge reduction plan  
5 to the department within 1 year after the first discharge in

1 violation of the permit occurred.

2 (2) Not more than 1 year after the effective date of the  
3 amendatory act that added this section, the department shall  
4 promulgate rules in accordance with the administrative procedures  
5 act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to provide for the  
6 format, content, and submission requirements of a discharge  
7 reduction plan required under subsection (1). At a minimum, a  
8 discharge reduction plan must contain express measures that the  
9 county will take to reduce the average volume of discharge over the  
10 preceding 5 years by 50%.

11 (3) Not more than 180 days after the department receives a  
12 discharge reduction plan under subsection (1), the department shall  
13 approve or deny the discharge reduction plan and notify the county  
14 in writing. If the department denies the discharge reduction plan,  
15 the notice must state the reasons for the denial. Not more than 180  
16 days after the county receives a notice denying the discharge  
17 reduction plan, the county must submit an updated discharge  
18 reduction plan to the department.

19 (4) Not later than 2 years after a discharge reduction plan is  
20 approved under subsection (3), the county shall implement and  
21 complete the terms of the discharge reduction plan. If a county  
22 fails to implement and complete the terms of a discharge reduction  
23 plan within 2 years, the department shall not grant a new or  
24 reissuance of a permit under this part.

25 (5) If either of the following occurs, the department, after  
26 notice and an opportunity for an evidentiary hearing under the  
27 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
28 24.328, may impose an administrative fine of not more than  
29 \$1,000,000.00 per month that the violation continues:

1           (a) A county fails to submit a discharge reduction plan in  
2 accordance with this section.

3           (b) A county fails to implement and complete a discharge  
4 reduction plan after it is approved by the department.

5           (6) The department shall advise the attorney general of the  
6 failure of a county to pay an administrative fine under subsection  
7 (5). The attorney general shall bring a civil action to recover the  
8 administrative fine and the costs and fees. An administrative fine  
9 recovered under this section must be deposited in the state water  
10 pollution control revolving fund created in section 16a of the  
11 shared credit rating act, 1985 PA 227, MCL 141.1066a.