

SENATE BILL No. 1198

March 12, 2002, Introduced by Senators BYRUM, NORTH, SIKKEMA, DE BEAUSSAERT, HAMMERSTROM, JOHNSON, GAST, SANBORN and GOSCHKA and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 32807, 32808, 32809, 32810, 38211, 32812, and 32814.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 32807. THE DEPARTMENT SHALL ASSESS AN ANNUAL PERMIT
2 FEE TO COVER THE COSTS OF ADMINISTRATION OF THIS PART. THE
3 AMOUNT OF THE ASSESSMENT SHALL BE PROVIDED BY RULE.

4 SEC. 32808. THE DEPARTMENT SHALL MAKE ALL OF THE FOLLOWING
5 AVAILABLE TO THE PUBLIC:

6 (A) ALL PERMIT APPLICATIONS.

7 (B) INFORMATION SUBMITTED AS PART OF THE PERMIT APPLICATION
8 AND ASSOCIATED HEARING TESTIMONY AND SUBMISSIONS.

9 (C) APPEAL APPLICATIONS AND ASSOCIATED TESTIMONY AND
10 SUBMISSIONS.

1 (D) GOVERNMENT STUDIES AND ASSESSMENTS OF PERMIT AND APPEAL
2 APPLICATIONS.

3 (E) REPORTS REQUIRED TO BE SUBMITTED BY PERMITTEES.

4 SEC. 32809. THE DEPARTMENT SHALL INSPECT EACH PERMITTEE AT
5 LEAST ONCE DURING THE TERM OF THE PERMIT TO ASSESS COMPLIANCE
6 WITH THIS PART.

7 SEC. 32810. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
8 PART, THE DEPARTMENT MAY REVOKE OR MODIFY A PERMIT ISSUED UNDER
9 THIS PART IF ANY OF THE FOLLOWING OCCUR:

10 (A) THE WITHDRAWAL IS CAUSING SIGNIFICANT INDIVIDUAL OR
11 CUMULATIVE ADVERSE IMPACTS TO THE WATERS OF THE GREAT LAKES BASIN
12 AND THE WATER-DEPENDENT NATURAL RESOURCES AFFECTED BY THE
13 WITHDRAWAL.

14 (B) THE WITHDRAWAL IS ADVERSELY AFFECTING ANOTHER USER OF
15 THE AQUIFER.

16 (C) THE PERMITTEE HAS VIOLATED 1 OR MORE PERMIT CONDITIONS.

17 (2) PRIOR TO REVOKING OR MODIFYING A PERMIT UNDER THIS SEC-
18 TION, THE DEPARTMENT SHALL GIVE THE PERMIT HOLDER AND OTHER
19 AFFECTED PARTIES 60 DAYS' NOTICE OF ITS INTENTION TO REVOKE OR
20 MODIFY THE PERMIT. IF THE PERMIT HOLDER MAKES A DEMONSTRABLE
21 IMPROVEMENT, IN COMPLIANCE WITH ITS PERMIT, DURING THAT PERIOD,
22 ITS PERMIT SHALL NOT BE REVOKED OR MODIFIED. IF, FOLLOWING THE
23 60-DAY NOTICE PERIOD, THE DEPARTMENT REVOKES OR MODIFIES THE
24 PERMIT, THE PERMIT HOLDER MAY DEMAND A CONTESTED CASE HEARING ON
25 THE REVOCATION. A CONTESTED CASE HEARING SHALL BE HELD IN COM-
26 PLIANCE WITH THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969
27 PA 306, MCL 24.201 TO 24.328. IF A CONTESTED CASE HEARING IS

1 DEMANDED, A PERMIT REVOCATION OR MODIFICATION SHALL NOT TAKE
2 EFFECT UNTIL A FINAL DECISION OR ORDER IS MADE.

3 SEC. 32811. THE DEPARTMENT MAY PROMULGATE RULES TO IMPLI-
4 MENT THIS PART.

5 SEC. 32812. (1) A PERSON WHO VIOLATES THIS PART IS RESPON-
6 SIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A
7 CIVIL FINE OF NOT MORE THAN \$2,500.00.

8 (2) A PERSON WHO VIOLATES THIS PART A SECOND OR SUBSEQUENT
9 TIME IS LIABLE FOR A CIVIL FINE OF NOT MORE THAN \$2,500.00 FOR
10 EACH DAY OF VIOLATION.

11 (3) A DEFAULT IN THE PAYMENT OF A CIVIL FINE OR COSTS
12 ORDERED UNDER THIS PART OR AN INSTALLMENT OF THE FINE OR COSTS
13 MAY BE REMEDIED BY ANY MEANS AUTHORIZED UNDER THE REVISED JUDICA-
14 TURE ACT OF 1961, 1961 PA 236, MCL 600.101 TO 600.9948.

15 (4) IN ADDITION TO A CIVIL FINE IMPOSED UNDER
16 SUBSECTION (1), THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION FOR
17 APPROPRIATE RELIEF AGAINST A PERSON FOR A VIOLATION OF THIS PART
18 INCLUDING, BUT NOT LIMITED TO, A TEMPORARY OR PERMANENT
19 INJUNCTION.

20 SEC. 32814. AT LEAST EVERY 5 YEARS, THE DEPARTMENT SHALL
21 SUBMIT A REPORT TO THE LEGISLATURE THAT EVALUATES THE EFFECT OF
22 THIS PART ON RESOLVING WATER USE CONFLICTS IN THE STATE AND ON
23 PROTECTING THE WATERS OF THE GREAT LAKES BASIN.

24 Enacting section 1. This amendatory act does not take
25 effect unless all of the following bills of the 91st Legislature
26 are enacted into law:

1 (a) Senate Bill No. 1197.

2

3 (b) Senate Bill No. 1199.

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5 (c) Senate Bill No. 1200.

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