

# HOUSE BILL No. 4574

April 5, 2007, Introduced by Reps. Nitz, Meekhof, Stakoe, Garfield, Acciavatti, Casperson, Pastor, Steil, Sheltroun, Caswell, Espinoza, Brown, Mayes, Agema and Scott and referred to the Committee on Great Lakes and Environment.

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-EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,~~  
2       A person shall not discharge any waste or waste effluent into the  
3       waters of this state unless the person is in possession of a valid  
4       permit from the department.

5       (2) An application for a permit under subsection (1) shall be  
6       submitted to the department. Within 30 days after an application  
7       for a new or increased use is received, the department shall  
8       determine whether the application is administratively complete.  
9       Within 90 days after an application for reissuance of a permit is

1 received, the department shall determine whether the application is  
2 administratively complete. If the department determines that an  
3 application is not complete, the department shall notify the  
4 applicant in writing within the applicable time period. If the  
5 department does not make a determination as to whether the  
6 application is complete within the applicable time period, the  
7 application shall be considered to be complete.

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

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

25 (5) A person who is aggrieved by an order of abatement of the  
26 department or by the reissuance, modification, suspension, or  
27 revocation of an existing permit of the department executed

1 pursuant to this section may file a sworn petition with the  
2 department setting forth the grounds and reasons for the complaint  
3 and asking for a contested case hearing on the matter pursuant to  
4 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201  
5 to 24.328. A petition filed more than 60 days after action on the  
6 order or permit may be rejected by the department as being  
7 untimely.

8 (6) Beginning January 1, 2007, all oceangoing vessels engaging  
9 in port operations in this state shall obtain a permit from the  
10 department. The department shall issue a permit for an oceangoing  
11 vessel only if the applicant can demonstrate that the oceangoing  
12 vessel will not discharge aquatic nuisance species or if the  
13 oceangoing vessel discharges ballast water or other waste or waste  
14 effluent, that the operator of the vessel will utilize  
15 environmentally sound technology and methods, as determined by the  
16 department, that can be used to prevent the discharge of aquatic  
17 nuisance species. The department shall cooperate to the fullest  
18 extent practical with other Great Lakes basin states, the Canadian  
19 Great Lakes provinces, the Great Lakes panel on aquatic nuisance  
20 species, the Great Lakes fishery commission, the international  
21 joint commission, and the Great Lakes commission to ensure  
22 development of standards for the control of aquatic nuisance  
23 species that are broadly protective of the waters of the state and  
24 other natural resources. Permit fees for permits under this  
25 subsection shall be assessed as provided in section 3120. The  
26 permit fees for an individual permit issued under this subsection  
27 shall be the fees specified in section 3120(1)(a) and (5)(a). The

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

6 (7) A MUNICIPAL SEPARATE STORM SEWER SYSTEM AS DEFINED IN  
7 SECTION 3118 THAT SERVES A POPULATION OF LESS THAN 1,000 IS NOT  
8 REQUIRED TO OBTAIN A PERMIT UNDER THIS PART IF IT OTHERWISE  
9 COMPLIES WITH THIS PART AND THE RULES PROMULGATED UNDER THIS PART.