

SUBSTITUTE FOR
SENATE BILL NO. 939

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 14.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 14 CLEAN CORPORATE CITIZENS

SEC. 1401. AS USED IN THIS PART:

(A) "APPLICABLE ENVIRONMENTAL REQUIREMENT" MEANS AN APPLICABLE
FEDERAL ENVIRONMENTAL REQUIREMENT, AN APPLICABLE STATE
ENVIRONMENTAL REQUIREMENT, OR AN ENVIRONMENTAL REQUIREMENT
ESTABLISHED BY A LOCAL UNIT OF GOVERNMENT.

(B) "APPLICABLE FEDERAL ENVIRONMENTAL REQUIREMENT" MEANS ANY
OF THE FOLLOWING:

(i) THE FEDERAL WATER POLLUTION CONTROL ACT, 33 USC 1251 TO
1387.

1 (ii) THE CLEAN AIR ACT, 42 USC 7401 TO 7671Q.

2 (iii) THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976, 42 USC
3 6901 TO 6992K.

4 (iv) THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION,
5 AND LIABILITY ACT OF 1980, 42 USC 9601 TO 9675.

6 (C) "APPLICABLE STATE ENVIRONMENTAL REQUIREMENT" MEANS ANY OF
7 THE FOLLOWING OR A RULE PROMULGATED OR PERMIT, ORDER, OR OTHER
8 LEGALLY BINDING DOCUMENT ISSUED UNDER ANY OF THE FOLLOWING:

9 (i) ARTICLE II OR CHAPTER 1 OR 3 OF ARTICLE III.

10 (ii) THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1001 TO
11 325.1023.

12 (iii) PART 135 OR 138 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
13 MCL 333.13501 TO 333.13536 AND 333.13801 TO 333.13831.

14 (D) "CERTIFIED", IN REFERENCE TO A STATEMENT, MEANS THAT THE
15 STATEMENT INCLUDES AN ATTESTATION SIGNED BY AN AUTHORIZED OFFICIAL
16 OF THE FACILITY THAT HE OR SHE HAS MADE REASONABLE INQUIRY INTO THE
17 BASIS FOR THE STATEMENT AND THAT IT IS TRUE AND CORRECT TO THE BEST
18 OF THE OFFICIAL'S KNOWLEDGE AND BELIEF.

19 (E) "CLEAN CORPORATE CITIZEN" MEANS A FACILITY THAT HAS
20 DEMONSTRATED ENVIRONMENTAL STEWARDSHIP AND A STRONG ENVIRONMENTAL
21 ETHIC BY MEETING THE CRITERIA IN THIS PART.

22 (F) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
23 QUALITY.

24 (G) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OR HIS OR
25 HER DESIGNEE.

26 (H) "ENVIRONMENTAL MANAGEMENT SYSTEM" MEANS THE PART OF AN
27 OVERALL MANAGEMENT SYSTEM THAT ADDRESSES ENVIRONMENTAL CONCERNS

1 THROUGH ALLOCATING RESOURCES, ASSIGNING RESPONSIBILITIES, AND
2 EVALUATING PRACTICES, PROCEDURES, AND PROCESSES TO ACHIEVE SOUND
3 ENVIRONMENTAL PERFORMANCE.

4 (I) "ENVIRONMENTAL POLICY" MEANS A POLICY, SIGNED BY AN
5 AUTHORIZED OFFICIAL OF THE FACILITY, THAT DOES ALL OF THE
6 FOLLOWING:

7 (i) ARTICULATES THE FACILITY'S ENVIRONMENTAL MISSION AND
8 VALUES.

9 (ii) PROMOTES POLLUTION PREVENTION.

10 (iii) ACKNOWLEDGES THE IMPORTANCE OF COMMUNICATION WITH THE
11 PUBLIC WITH RESPECT TO ENVIRONMENTAL ISSUES.

12 (iv) EXPRESSES THE FACILITY'S COMMITMENT TO COMPLY WITH
13 ENVIRONMENTAL LAWS.

14 (v) EMPHASIZES CONTINUOUS ENVIRONMENTAL IMPROVEMENT.

15 (vi) RECOGNIZES THAT EVERY EMPLOYEE CAN CONTRIBUTE TO
16 ENVIRONMENTAL IMPROVEMENT.

17 (J) "FACILITY" MEANS ANY OF THE FOLLOWING THAT IS SITUATED IN
18 THIS STATE AND IS SUBJECT TO AN APPLICABLE STATE ENVIRONMENTAL
19 REQUIREMENT OR APPLICABLE FEDERAL ENVIRONMENTAL REQUIREMENT:

20 (i) A SOURCE AS DEFINED IN SECTION 5501.

21 (ii) A PUBLIC INSTITUTION.

22 (iii) A MUNICIPAL FACILITY.

23 (iv) A COMMERCIAL, INDUSTRIAL, OR OTHER BUSINESS ESTABLISHMENT.

24 SEC. 1403. AS USED IN THIS PART:

25 (A) "ISO 14001:2004" MEANS THE STANDARD ADOPTED BY THE
26 INTERNATIONAL ORGANIZATION FOR STANDARDIZATION IN 2004 TO PRESCRIBE
27 UNIFORM REQUIREMENTS FOR THE PURPOSE OF CERTIFICATION OR

1 REGISTRATION OF AN ENVIRONMENTAL MANAGEMENT SYSTEM.

2 (B) "POLLUTION PREVENTION" MEANS ELIMINATING OR MINIMIZING THE
3 INITIAL GENERATION OF WASTE AT THE SOURCE, REUSE OF WASTE, OR
4 UTILIZING ENVIRONMENTALLY SOUND ON-SITE OR OFF-SITE RECYCLING.
5 WASTE TREATMENT, RELEASE, OR DISPOSAL IS NOT POLLUTION PREVENTION.

6 (C) "RC 2008" MEANS THE RESPONSIBLE CARE PROGRAM ADOPTED BY
7 THE AMERICAN CHEMISTRY COUNCIL IN 2008 TO PROVIDE UNIFORM
8 REQUIREMENTS FOR THE PURPOSE OF CERTIFICATION OR REGISTRATION OF AN
9 ENVIRONMENTAL MANAGEMENT SYSTEM.

10 (D) "SUPPLEMENTAL ENVIRONMENTAL PROJECT" MEANS AN
11 ENVIRONMENTALLY BENEFICIAL PROJECT THAT AN ALLEGED VIOLATOR AGREES
12 TO UNDERTAKE IN SETTLEMENT OF AN ENFORCEMENT ACTION, BUT WHICH THE
13 ALLEGED VIOLATOR IS NOT OTHERWISE LEGALLY REQUIRED TO UNDERTAKE.

14 (E) "VIOLATION NOTICE" MEANS A WRITTEN NOTICE OR FORMAL
15 ENFORCEMENT ACTION BY THE DEPARTMENT, THE UNITED STATES
16 ENVIRONMENTAL PROTECTION AGENCY, OR THE ENFORCING AGENCY OF A LOCAL
17 UNIT OF GOVERNMENT IN RESPONSE TO A VIOLATION OF AN APPLICABLE
18 ENVIRONMENTAL REQUIREMENT. A VOLUNTARY DISCLOSURE MADE UNDER PART
19 148 DOES NOT CONSTITUTE A VIOLATION NOTICE.

20 (F) "WASTE" MEANS ANY ENVIRONMENTAL POLLUTANT, WASTE,
21 DISCHARGE, OR EMISSION, REGARDLESS OF HOW IT IS REGULATED AND
22 REGARDLESS OF WHETHER IT IS RELEASED TO THE GENERAL ENVIRONMENT OR
23 THE WORKPLACE ENVIRONMENT.

24 SEC. 1405. TO OBTAIN A CLEAN CORPORATE CITIZEN DESIGNATION AND
25 THE BENEFITS DESCRIBED IN SECTION 1421, A FACILITY SHALL MEET THE
26 QUALIFICATIONS SET FORTH IN SECTIONS 1407 TO 1411 AND SUBMIT AN
27 APPLICATION UNDER SECTION 1413.

1 SEC. 1407. (1) TO QUALIFY FOR A CLEAN CORPORATE CITIZEN
2 DESIGNATION, A FACILITY SHALL NOT HAVE BEEN THE SUBJECT OF ANY OF
3 THE FOLLOWING AT ANY TIME WITHIN THE PRECEDING 3 YEARS:

4 (A) A CONVICTION FOR A CRIMINAL VIOLATION OF AN APPLICABLE
5 STATE ENVIRONMENTAL REQUIREMENT.

6 (B) AN ASSESSMENT BY A COURT OF APPROPRIATE JURISDICTION, OF A
7 CIVIL FINE, PENALTY, OR DAMAGES OF \$10,000.00 OR MORE FOR VIOLATION
8 OF AN APPLICABLE STATE ENVIRONMENTAL REQUIREMENT.

9 (C) A DETERMINATION, BY A COURT OF APPROPRIATE JURISDICTION,
10 OF RESPONSIBILITY FOR AN ILLEGAL ACTION THAT SUBSTANTIALLY
11 ENDANGERED THE PUBLIC HEALTH, SAFETY, OR WELFARE OR THE
12 ENVIRONMENT.

13 (D) A DEPARTMENTAL ASSESSMENT, A JUDICIAL CONSENT DECREE, OR
14 AN ADMINISTRATIVE CONSENT ORDER, IMPOSING A FINE OR DAMAGES OF
15 \$32,500.00 OR MORE, EXCLUDING THE COST OF ANY SUPPLEMENTAL
16 ENVIRONMENTAL PROJECT USED TO OFFSET A FINE, FOR A VIOLATION OF AN
17 APPLICABLE STATE ENVIRONMENTAL REQUIREMENT.

18 (2) A FACILITY DOES NOT QUALIFY FOR A CLEAN CORPORATE CITIZEN
19 DESIGNATION IF THE DEPARTMENT DETERMINES THAT THE FACILITY WAS
20 RESPONSIBLE FOR A PATTERN OF ILLEGAL ACTIONS, AT ANY TIME WITHIN
21 THE PRECEDING 3 YEARS, THAT ENDANGERED THE PUBLIC HEALTH, SAFETY,
22 OR WELFARE OR THE ENVIRONMENT.

23 (3) TO QUALIFY FOR A CLEAN CORPORATE CITIZEN DESIGNATION, AN
24 FACILITY SHALL ADDRESS ANY OUTSTANDING VIOLATION THAT IS CITED IN A
25 VIOLATION NOTICE THAT, AS DETERMINED BY THE DEPARTMENT,
26 SUBSTANTIALLY ENDANGERS THE PUBLIC HEALTH, SAFETY, OR WELFARE OR
27 THE ENVIRONMENT, BY DOING 1 OR MORE OF THE FOLLOWING:

1 (A) PROMPTLY RESOLVING THE VIOLATION.

2 (B) DEMONSTRATING TO THE DEPARTMENT, THE UNITED STATES
3 ENVIRONMENTAL PROTECTION AGENCY, OR THE LOCAL ENFORCING AGENCY THAT
4 ISSUED THE VIOLATION NOTICE THAT THE VIOLATION DID NOT OCCUR.

5 (C) ADHERING TO A COMPLIANCE SCHEDULE THAT IS ACCEPTABLE TO
6 THE DEPARTMENT, THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
7 OR THE LOCAL ENFORCING AGENCY THAT ISSUED THE VIOLATION NOTICE, TO
8 CORRECT THE VIOLATION.

9 SEC. 1409. TO QUALIFY FOR A CLEAN CORPORATE CITIZEN
10 DESIGNATION, A FACILITY SHALL MEET 1 OF THE FOLLOWING REQUIREMENTS:

11 (A) OBTAIN AND OPERATE IN ACCORDANCE WITH REQUIREMENTS FOR
12 REGISTRATION OR CERTIFICATION UNDER AN ENVIRONMENTAL MANAGEMENT
13 STANDARD, SUCH AS ISO 14001:2004, OR, FOR THE CHEMICAL INDUSTRY, RC
14 2008, THAT IS APPROVED BY THE DIRECTOR.

15 (B) ADOPT AND MAINTAIN AN ENVIRONMENTAL MANAGEMENT SYSTEM THAT
16 IS SET FORTH IN WRITING AND IS CONSISTENT WITH THE REQUIREMENTS OF
17 ISO 14001:2004, OR, FOR THE CHEMICAL INDUSTRY, RC 2008, AND
18 APPROPRIATE FOR THE NATURE, SCALE, AND POTENTIAL ENVIRONMENTAL
19 IMPACT OF THE OPERATION AT THE FACILITY.

20 (C) ADOPT AND MAINTAIN AN ENVIRONMENTAL MANAGEMENT SYSTEM THAT
21 IS SET FORTH IN WRITING, APPROVED BY THE DIRECTOR, AND APPLICABLE
22 TO A SPECIFIC GROUP OR CLASSIFICATION OF FACILITIES INCLUDING THAT
23 FACILITY. THE ENVIRONMENTAL MANAGEMENT SYSTEM SHALL BE CONSISTENT
24 WITH THE REQUIREMENTS OF ISO 14001:2004, OR, FOR THE CHEMICAL
25 INDUSTRY, RC 2008, AND BE APPROPRIATE FOR THE NATURE, SCALE, AND
26 POTENTIAL ENVIRONMENTAL IMPACT OF THE OPERATION.

27 (D) FOR A FACILITY WITH 100 OR FEWER EMPLOYEES, ADOPT AND

1 MAINTAIN THE FOLLOWING ELEMENTS OF AN ENVIRONMENTAL MANAGEMENT
2 SYSTEM, WHICH SHALL BE SET FORTH IN WRITING:

3 (i) AN ENVIRONMENTAL POLICY.

4 (ii) THE ENVIRONMENTAL ASPECTS.

5 (iii) THE OBJECTIVES AND TARGETS OF OPERATIONS.

6 (iv) THE ROLES AND RESPONSIBILITIES.

7 (v) THE PROCEDURES FOR INTERNAL AND EXTERNAL COMMUNICATION.

8 SEC. 1411. (1) TO QUALIFY FOR A CLEAN CORPORATE CITIZEN
9 DESIGNATION, A FACILITY SHALL DO ALL OF THE FOLLOWING:

10 (A) ADOPT AND MAINTAIN A WRITTEN ENVIRONMENTAL POLICY.

11 (B) ESTABLISH AND MAINTAIN A PROGRAM SPECIFIC FOR THAT
12 FACILITY UNDER WHICH THE OPERATOR DOES ALL OF THE FOLLOWING:

13 (i) POSTS AT THE FACILITY THE ENVIRONMENTAL POLICY REQUIRED IN
14 SUBDIVISION (A) .

15 (ii) CONDUCTS PERIODIC ASSESSMENTS THAT IDENTIFY OPPORTUNITIES
16 FOR POLLUTION PREVENTION.

17 (iii) ESTABLISHES GOALS FOR REDUCING OR PREVENTING POLLUTION,
18 INDICATING THE TYPES OF POLLUTION; WHETHER EACH POLLUTANT WOULD
19 AFFECT THE AIR, WATER, OR LAND; THE POLLUTION PREVENTION MEASURES
20 TO BE UNDERTAKEN; AND THE PROJECTED TIME FRAMES.

21 (iv) PREPARES AND MAINTAINS REPORTS TO DEMONSTRATE PROGRESS
22 TOWARD ATTAINING THE GOALS ESTABLISHED UNDER SUBPARAGRAPH (iii) .

23 (2) FACILITIES ARE ENCOURAGED, AS PART OF THE PROGRAM UNDER
24 SUBSECTION (1) (B) , TO DO ALL OF THE FOLLOWING:

25 (A) INITIATE COMMUNITY-BASED ACTIVITIES.

26 (B) PROVIDE FOR THE EXCHANGE OF INFORMATION CONCERNING
27 POLLUTION PREVENTION ACTIVITIES, SUCH AS THE FOLLOWING:

1 (i) ATTEND OR SPONSOR WORKSHOPS.

2 (ii) ASSIST IN DEVELOPING AND DISSEMINATING CASE STUDIES.

3 (iii) ESTABLISH POLLUTION PREVENTION SUPPLIER NETWORKS.

4 (iv) PROVIDE THE DEPARTMENT WITH POLLUTION PREVENTION
5 INFORMATION FOR POSSIBLE PUBLICATION.

6 (v) PROVIDE THE DEPARTMENT WITH ACCESS TO ELECTRONIC COPIES OF
7 THE FACILITY'S EMERGENCY RESPONSE PLAN, POLLUTION INCIDENT PLAN,
8 STORMWATER POLLUTION PREVENTION PLAN, AND OTHER PLANS AS
9 APPROPRIATE.

10 SEC. 1413. (1) TO OBTAIN A CLEAN CORPORATE CITIZEN
11 DESIGNATION, A FACILITY SHALL SUBMIT AN APPLICATION TO THE
12 DEPARTMENT. THE APPLICATION SHALL BE SUBMITTED ON A FORM PROVIDED
13 BY THE DEPARTMENT, TOGETHER WITH ALL OF THE FOLLOWING:

14 (A) A LIST OF ANY CRIMINAL CONVICTIONS OR ANY CIVIL FINES,
15 PENALTIES, OR DAMAGES ASSESSED RELATIVE TO APPLICABLE FEDERAL
16 ENVIRONMENTAL REQUIREMENTS ARISING OUT OF OPERATIONS AT THE
17 FACILITY DURING THE PAST 3 YEARS.

18 (B) A CERTIFIED STATEMENT THAT THE APPLICANT MEETS THE
19 REQUIREMENTS OF SECTIONS 1407, 1409, AND 1411.

20 (C) INFORMATION DEMONSTRATING THE APPLICANT'S COMPLIANCE WITH
21 SECTION 1409, INCLUDING A DETAILED SUMMARY OF EACH REQUIRED ELEMENT
22 OF AN ENVIRONMENTAL MANAGEMENT SYSTEM.

23 (D) INFORMATION DEMONSTRATING THE APPLICANT'S COMPLIANCE WITH
24 SECTION 1411, INCLUDING A COPY OF THE APPLICANT'S ENVIRONMENTAL
25 POLICY.

26 (E) A LIST OF SIGNIFICANT GOALS ESTABLISHED IN THE
27 ENVIRONMENTAL MANAGEMENT SYSTEM AND THE ENVIRONMENTAL POLICY.

1 (F) IF THE FACILITY IS ALREADY DESIGNATED AS A CLEAN CORPORATE
2 CITIZEN WITH RESPECT TO THAT FACILITY WHEN THE APPLICATION IS FILED,
3 THE LATEST ANNUAL REPORT REQUIRED UNDER SECTION 1419.

4 (2) THE DEPARTMENT SHALL DETERMINE WHETHER THE APPLICATION IS
5 ADMINISTRATIVELY COMPLETE WITHIN 14 DAYS AFTER RECEIPT OF THE
6 APPLICATION.

7 (3) IF THE APPLICATION IS ADMINISTRATIVELY COMPLETE, THE
8 DEPARTMENT SHALL PUBLISH IN THE DEPARTMENT CALENDAR AND POST ON ITS
9 WEBSITE A NOTICE OF RECEIPT OF THE APPLICATION AND RELATED
10 DOCUMENTATION AND OF THE AVAILABILITY OF THE APPLICATION AND
11 RELATED DOCUMENTATION FOR PUBLIC REVIEW AND COMMENT. THE NOTICE
12 SHALL INCLUDE THE DEPARTMENT'S ELECTRONIC MAIL AND POSTAL MAILING
13 ADDRESSES FOR RECEIPT OF COMMENTS. COMMENTS SHALL BE RECEIVED FOR A
14 PERIOD OF AT LEAST 30 DAYS AFTER NOTICE IS GIVEN UNDER THIS
15 SUBSECTION.

16 (4) WITHIN 90 DAYS AFTER RECEIPT OF AN ADMINISTRATIVELY
17 COMPLETE APPLICATION FOR A CLEAN CORPORATE CITIZEN DESIGNATION,
18 UNLESS AN EXTENSION OF TIME IS REQUESTED BY THE APPLICANT, THE
19 DIRECTOR SHALL APPROVE OR DISAPPROVE THE APPLICATION AND NOTIFY THE
20 APPLICANT. THE DIRECTOR SHALL APPROVE THE APPLICATION IF THE
21 APPLICATION MEETS THE REQUIREMENTS OF THIS PART. OTHERWISE, THE
22 DIRECTOR SHALL DISAPPROVE THE APPLICATION. A NOTIFICATION OF
23 DISAPPROVAL SHALL INCLUDE THE SPECIFIC REASONS FOR THE DISAPPROVAL.

24 (5) IF THE APPLICATION IS DISAPPROVED, THE UNSUCCESSFUL
25 APPLICANT MAY REAPPLY FOR A CLEAN CORPORATE CITIZEN DESIGNATION AT
26 ANY TIME. IN ADDITION, AN APPLICANT MAY WITHDRAW AN APPLICATION
27 WITHOUT PREJUDICE AT ANY TIME.

1 (6) IF A DOCUMENT OTHERWISE REQUIRED TO BE SUBMITTED TO THE
2 DEPARTMENT WITH AN APPLICATION UNDER THIS SECTION OR AN ANNUAL
3 REPORT UNDER SECTION 1419 IS ALREADY IN THE POSSESSION OF THE
4 DEPARTMENT, THE APPLICATION OR ANNUAL REPORT MAY INCORPORATE THE
5 DOCUMENT BY REFERENCE WITHOUT INCLUDING A COPY OF THE DOCUMENT.

6 SEC. 1415. THE TERM OF A CLEAN CORPORATE CITIZEN DESIGNATION
7 IS 5 YEARS.

8 SEC. 1417. (1) THE DIRECTOR SHALL TERMINATE A CLEAN CORPORATE
9 CITIZEN DESIGNATION IF THE DIRECTOR DETERMINES THAT THE FACILITY
10 DOES NOT MEET APPLICABLE REQUIREMENTS OF SECTION 1407, 1409, OR
11 1411.

12 (2) THE DIRECTOR SHALL NOTIFY A FACILITY OF THE DIRECTOR'S
13 INTENT TO TERMINATE THE FACILITY'S CLEAN CORPORATE CITIZEN
14 DESIGNATION AND THE SPECIFIC REASON FOR THE TERMINATION NOT LESS
15 THAN 30 DAYS BEFORE TERMINATING THE DESIGNATION.

16 (3) A FACILITY WHOSE DESIGNATION IS TERMINATED MAY REAPPLY FOR
17 A CLEAN CORPORATE CITIZEN DESIGNATION AT ANY TIME.

18 SEC. 1419. A CLEAN CORPORATE CITIZEN SHALL SUBMIT AN ANNUAL
19 REPORT NOT LATER THAN 60 DAYS BEFORE THE ANNUAL ANNIVERSARY DATE OF
20 THE CURRENT CLEAN CORPORATE CITIZEN DESIGNATION. THE ANNUAL REPORT
21 SHALL DO ALL OF THE FOLLOWING:

22 (A) SUMMARIZE THE ACTIVITIES UNDERTAKEN OVER THE PAST YEAR TO
23 DO THE FOLLOWING:

24 (i) IDENTIFY AND REPORT ON IMPLEMENTATION OF STANDARDIZED
25 POLLUTION PREVENTION MEASURES CONSISTENT WITH THE PROGRAM
26 ESTABLISHED UNDER SECTION 1411, ON A FORM PROVIDED BY THE
27 DEPARTMENT.

1 (ii) SET, REVISE, AND ATTAIN OBJECTIVES AND IMPLEMENT MEASURES
2 IN THE CLEAN CORPORATE CITIZEN'S ENVIRONMENTAL MANAGEMENT SYSTEM
3 AND POLLUTION PREVENTION PROGRAMS.

4 (B) INCLUDE A CERTIFIED STATEMENT THAT THE CLEAN CORPORATE
5 CITIZEN IS IN COMPLIANCE WITH SECTIONS 1407, 1409, AND 1411.

6 SEC. 1421. (1) UPON REQUEST, A CLEAN CORPORATE CITIZEN IS
7 ENTITLED TO EACH OF THE FOLLOWING BENEFITS:

8 (A) THE DEPARTMENT SHALL GIVE THE FACILITY PRIORITY OVER
9 PERSONS THAT ARE NOT CLEAN CORPORATE CITIZENS IN ALL OF THE
10 FOLLOWING:

11 (i) COMPLIANCE ASSISTANCE PROGRAMS APPLICABLE TO THE FACILITY,
12 SUCH AS THE RETIRED ENGINEERS TECHNICAL ASSISTANCE PROGRAM CREATED
13 IN SECTION 14511.

14 (ii) PROCESSING PERMIT OR OPERATING LICENSE RENEWAL
15 APPLICATIONS FOR THE FACILITY.

16 (B) THE DEPARTMENT SHALL PROVIDE EMPLOYEES OF THE FACILITY
17 WITH FREE TRAINING ON PERFORMING ENVIRONMENTAL AUDITS UNDER PART
18 148.

19 (C) THE TERM OF A PERMIT ISSUED BY THE DEPARTMENT FOR THE
20 FACILITY SHALL BE TWICE THE TERM THAT WOULD OTHERWISE APPLY.

21 (D) THE FACILITY SHALL RECEIVE A PREFERENCE FOR STATE
22 PURCHASES AS PROVIDED IN SECTION 261 OF THE MANAGEMENT AND BUDGET
23 ACT, 1984 PA 431, MCL 18.1261.

24 (E) THE FACILITY QUALIFIES FOR ANY ADDITIONAL CLEAN CORPORATE
25 CITIZEN BENEFITS FOR THE FACILITY SET FORTH IN RULES PROMULGATED
26 UNDER ANY OF THE FOLLOWING:

27 (i) ARTICLE II OR CHAPTER 1 OR 3 OF ARTICLE III.

1 (ii) THE SAFE DRINKING WATER ACT, 1976 PA 399, MCL 325.1001 TO
2 325.1023.

3 (iii) PART 135 OR 138 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
4 MCL 333.13501 TO 333.13536 AND 333.13801 TO 333.13831.

5 (F) THE DEPARTMENT SHALL CONDUCT ROUTINE INSPECTIONS OF THE
6 FACILITY HALF AS FREQUENTLY AS THE INSPECTIONS WOULD BE CONDUCTED IF
7 THE FACILITY WERE NOT A CLEAN CORPORATE CITIZEN.

8 (G) THE DEPARTMENT SHALL GIVE THE OPERATOR OF THE FACILITY AT
9 LEAST 72 HOURS' ADVANCE NOTICE OF ANY ROUTINE INSPECTION OF THE
10 FACILITY.

11 (H) SUBJECT TO SUBSECTION (2), THE FACILITY IS NOT SUBJECT TO
12 A CIVIL FINE FOR A VIOLATION OF APPLICABLE STATE ENVIRONMENTAL
13 REQUIREMENTS IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

14 (i) THE FACILITY ACTED PROMPTLY TO CORRECT THE VIOLATION AFTER
15 DISCOVERY.

16 (ii) THE FACILITY REPORTED THE VIOLATION TO THE DEPARTMENT
17 WITHIN 24 HOURS AFTER THE DISCOVERY OR WITHIN ANY SHORTER TIME
18 PERIOD OTHERWISE REQUIRED BY LAW.

19 (2) SUBSECTION (1) (H) DOES NOT APPLY IF 1 OR MORE OF THE
20 FOLLOWING ARE ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE:

21 (A) THE ACTIONS OF THE FACILITY POSE OR POSED A SUBSTANTIAL
22 ENDANGERMENT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE.

23 (B) THE VIOLATION WAS INTENTIONAL OR OCCURRED AS THE RESULT OF
24 THE OPERATOR'S GROSS NEGLIGENCE.

25 SEC. 1423. UPON TERMINATION OF A CLEAN CORPORATE CITIZEN
26 DESIGNATION, ALL BENEFITS PROVIDED TO THAT FACILITY UNDER SECTION
27 1421 TERMINATE.

Senate Bill No. 939 as amended May 15, 2012

1 SEC. 1425. (1) THE DEPARTMENT SHALL MAINTAIN A COPY OF ISO
2 14001:2004 AND RC 2008 AVAILABLE FOR INSPECTION AT THE DEPARTMENT'S
3 HEADQUARTERS IN LANSING. UPON REQUEST, THE DEPARTMENT SHALL PROVIDE
4 INFORMATION ON HOW TO PURCHASE A COPY OF ISO 14001:2004 FROM THE
5 AMERICAN NATIONAL STANDARDS INSTITUTE AND RC 2008 FROM THE AMERICAN
6 CHEMISTRY COUNCIL.

7 (2) THE DEPARTMENT SHALL MAINTAIN ON ITS WEBSITE A LIST OF
8 FACILITIES CURRENTLY DESIGNATED AS CLEAN CORPORATE CITIZENS.

9 SEC. 1427. THIS PART SHALL NOT BE CONSTRUED IN A MANNER THAT
10 CONFLICTS WITH OR AUTHORIZES ANY VIOLATION OF STATE OR FEDERAL LAW.

<<SEC. 1429. THE CLEAN CORPORATE CITIZEN PROGRAM RULES,
R 324.1501 TO 324.1511 OF THE MICHIGAN ADMINISTRATIVE CODE, ARE
RESCINDED.>>