

HOUSE BILL No. 4837

June 30, 2011, Introduced by Reps. Rutledge, Irwin, Kandreas, Oakes and Stallworth and referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3113 (MCL 324.3113), as amended by 2004 PA 91.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3113. (1) A person ~~who seeks~~ **SHALL NOT MAKE** a new or
2 increased use of the waters of the state for sewage or other waste
3 disposal purposes ~~shall file with~~ **UNLESS AUTHORIZED BY A PERMIT**
4 **ISSUED BY** the department. ~~an~~ **AN** application ~~setting~~ **FOR A NEW OR**
5 **INCREASED USE PERMIT SHALL SET** forth ~~the information required by~~
6 ~~the department, including the~~ **ALL OF THE FOLLOWING:**

7 **(A) THE** nature of the enterprise or development contemplated.
8 ~~, the~~

9 **(B) THE** amount of water required to be used ~~,~~ **AND** its source.
10 ~~, the~~

1 (C) **THE** proposed point of discharge of the wastes into the
2 waters of the state. ~~the~~

3 (D) **THE** estimated amount **OF WASTEWATER** to be discharged. ~~and~~
4 ~~a statement setting forth the~~

5 (E) **THE** expected bacterial, physical, chemical, and other
6 known characteristics of the wastes.

7 (F) **A CERTIFICATION AS DESCRIBED IN SUBSECTION (2).**

8 (G) **OTHER RELEVANT INFORMATION REQUIRED BY THE DEPARTMENT.**

9 (2) **THE DEPARTMENT SHALL NOT ISSUE A NEW OR INCREASED USE**
10 **PERMIT UNDER THIS PART FOR A DISCHARGE FROM A PROPOSED USE,**
11 **ACTIVITY, OR FACILITY UNLESS THE PROPOSED USE, ACTIVITY, OR**
12 **FACILITY COMPLIES WITH A LOCAL ZONING ORDINANCE, IS AUTHORIZED AS A**
13 **NONCONFORMING USE OR BY A VARIANCE, IS OTHERWISE EXEMPT FROM OR NOT**
14 **SUBJECT TO A LOCAL ZONING ORDINANCE, OR IS PART OF A RESPONSE**
15 **ACTIVITY APPROVED BY THE DEPARTMENT PURSUANT TO THIS ACT. AN**
16 **APPLICANT FOR A NEW OR INCREASED USE PERMIT UNDER THIS PART SHALL**
17 **CERTIFY ON THE PERMIT APPLICATION THAT 1 OR MORE OF THESE**
18 **CONDITIONS ARE MET. FALSE CERTIFICATION UNDER THIS SUBSECTION IS A**
19 **VIOLATION OF THIS PART AND, IN ADDITION TO OTHER APPLICABLE**
20 **PENALTIES, CIVIL SANCTIONS, OR REMEDIES PROVIDED FOR BY THIS PART,**
21 **IS GROUNDS FOR DENIAL OR REVOCATION OF THE PERMIT.**

22 (3) ~~(2)~~ If a permit is granted, the department shall condition
23 the permit upon ~~such~~ restrictions that the department considers
24 necessary to adequately guard against unlawful uses of the waters
25 of the state ~~as are set forth in section 3109.~~

26 (4) ~~(3)~~ If the permit or denial of **ANY PERSON AGGRIEVED BY THE**
27 **DEPARTMENT'S ACTION ON AN APPLICATION FOR** a new or increased use ~~is~~

1 ~~not acceptable to the permittee, the applicant, or any other~~
2 ~~person, the permittee, the applicant, or other person~~ **PERMIT** may
3 file a sworn petition with the department setting forth the grounds
4 and reasons for the complaint and asking for a contested case
5 hearing on the matter pursuant to the administrative procedures act
6 of 1969, 1969 PA 306, MCL 24.201 to 24.328. A petition filed more
7 than 60 days after action on the permit application may be rejected
8 by the department as being untimely.