

HOUSE BILL No. 5869

September 11, 2012, Introduced by Reps. Stallworth, Liss, Howze, Rutledge, Townsend, Irwin, Stanley, Durhal, Talabi and Olumba 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 3112 (MCL 324.3112), as amended by 2005 PA 33.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3112. (1) A person shall not discharge any waste or waste
2 effluent into the waters of this state unless the person is in
3 possession of a valid permit from the department.

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

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

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

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

23 (5) A person who is aggrieved by an order of abatement of the
24 department or by the reissuance, modification, suspension, or
25 revocation of an existing permit of the department executed
26 pursuant to this section may file a sworn petition with the
27 department setting forth the grounds and reasons for the complaint

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

6 (6) ~~Beginning January 1, 2007, all~~ **ALL** oceangoing vessels
7 engaging in port operations in this state shall obtain a permit
8 from the department. The department shall issue a permit for an
9 oceangoing vessel only if the applicant can demonstrate ~~that~~ **1 OR**
10 **MORE OF THE FOLLOWING:**

11 (A) **THAT THE OCEANGOING VESSEL CONDUCTED A COMPLETE FLUSHING**
12 **OF ALL BALLAST TANKS WITH SEA WATER AT A LOCATION NOT LESS THAN 200**
13 **NAUTICAL MILES FROM SHORE AT A DEPTH OF MORE THAN 2,000 METERS OR**
14 **OTHER LOCATION APPROVED BY THE UNITED STATES COAST GUARD FOR SAFETY**
15 **REASONS.**

16 (B) **THAT** the oceangoing vessel will not discharge aquatic
17 nuisance species. ~~or~~

18 (C) **THAT,** if the oceangoing vessel discharges ballast water or
19 other waste or waste effluent, ~~that~~ the operator of the vessel will
20 utilize environmentally sound technology and methods, as determined
21 by the department, that can be used to prevent the discharge of
22 aquatic nuisance species.

23 (7) The department shall cooperate to the fullest extent
24 practical with other Great Lakes basin states, the Canadian Great
25 Lakes provinces, the Great Lakes panel on aquatic nuisance species,
26 the Great Lakes fishery commission, the international joint
27 commission, and the Great Lakes commission to ensure development of

1 standards for the control of aquatic nuisance species that are
2 broadly protective of the waters of ~~the~~**THIS** state and other
3 natural resources. Permit fees for permits under ~~this~~ subsection
4 (6) shall be assessed as provided in section 3120. The permit fees
5 for an individual permit issued under ~~this~~ subsection (6) shall be
6 the fees specified in section 3120(1)(a) and (5)(a). The permit
7 fees for a general permit issued under ~~this~~ subsection (6) shall be
8 the fees specified in section 3120(1)(c) and (5)(b)(i). Permits
9 under ~~this~~ subsection (6) shall be issued in accordance with the
10 timelines provided in section 3120. The department may promulgate
11 rules to implement ~~this~~ subsection (6).