

HOUSE BILL No. 5404

March 1, 2016, Introduced by Reps. Phelps, LaVoy, Chang, Plawecki, Wittenberg, Greig, Pagan, Irwin, Townsend, Brunner, Smiley, Geiss, Driskell, Hoadley, Yanez, Santana, Hovey-Wright, Garrett, Neeley, Lucido and Howrylak and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3101, 3102, 3112, 3113, and 3120 (MCL 324.3101, 324.3102, 324.3112, 324.3113, and 324.3120), section 3101 as amended by 2015 PA 247, section 3112 as amended by 2005 PA 33, section 3113 as amended by 2004 PA 91, and section 3120 as amended by 2015 PA 82, and by adding section 3102a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3101. As used in this part:

2 (a) "Aquatic nuisance species" means a nonindigenous species
3 that threatens the diversity or abundance of native species or the
4 ecological stability of infested waters, or commercial,
5 agricultural, aquacultural, or recreational activities dependent on
6 such waters.

1 (b) "Ballast water" means water and associated solids taken on
2 board a vessel to control or maintain trim, draft, stability, or
3 stresses on the vessel, without regard to the manner in which it is
4 carried.

5 (c) "Ballast water treatment method" means a method of
6 treating ballast water and sediments to remove or destroy living
7 biological organisms through 1 or more of the following:

8 (i) Filtration.

9 (ii) The application of biocides or ultraviolet light.

10 (iii) Thermal methods.

11 (iv) Other treatment techniques approved by the department.

12 (D) **"COMMISSION" MEANS THE WATER RESOURCES COMMISSION CREATED**
13 **IN SECTION 3102.**

14 (E) ~~(d)~~—"Department" means the department of environmental
15 quality.

16 (F) ~~(e)~~—"Detroit consumer price index" means the most
17 comprehensive index of consumer prices available for the Detroit
18 area from the United States Department of Labor, Bureau of Labor
19 Statistics.

20 (G) ~~(f)~~—"Emergency management coordinator" means that term as
21 defined in section 2 of the emergency management act, 1976 PA 390,
22 MCL 30.402.

23 (H) ~~(g)~~—"Great Lakes" means the Great Lakes and their
24 connecting waters, including Lake St. Clair.

25 (I) ~~(h)~~—"Group 1 facility" means a facility whose discharge is
26 described by R 323.2218 of the Michigan administrative code.

27 (J) ~~(i)~~—"Group 2 facility" means a facility whose discharge is

1 described by R 323.2210(y), R 323.2215, or R 323.2216 of the
2 Michigan administrative code. Group 2 facility does not include a
3 Group 2a facility.

4 (K) ~~(j)~~—"Group 2a facility" means a facility whose discharge
5 is described by R 323.2210(y) or R 323.2215 of the Michigan
6 administrative code and that meets 1 or more of the following:

7 (i) The facility's discharge is from a coin-operated
8 laundromat.

9 (ii) The facility's discharge is from a car wash or vehicle
10 wash open to the public.

11 (iii) The facility's discharge is a subsurface sanitary
12 discharge of fewer than 10,000 gallons per day that does not meet
13 the terms for authorization under R 323.2211(a) of the Michigan
14 administrative code.

15 (iv) The facility's discharge is a seasonal sanitary discharge
16 from a public park, public or private recreational vehicle park or
17 campground, or recreational or vacation camp.

18 (l) ~~(k)~~—"Group 3 facility" means a facility whose discharge is
19 described by R 323.2211 or R 323.2213 of the Michigan
20 administrative code.

21 (M) ~~(l)~~—"Local health department" means that term as defined
22 in section 1105 of the public health code, 1978 PA 368, MCL
23 333.1105.

24 (N) ~~(m)~~—"Local unit" means a county, city, village, or
25 township or an agency or instrumentality of any of these entities.

26 (O) ~~(n)~~—"Municipality" means this state, a county, city,
27 village, or township, or an agency or instrumentality of any of

1 these entities.

2 (P) ~~(e)~~—"National response center" means the National
3 Communications Center established under the clean water act, 33 USC
4 1251 to 1387, located in Washington, DC, that receives and relays
5 notice of oil discharge or releases of hazardous substances to
6 appropriate federal officials.

7 (Q) ~~(p)~~—"Nonocean-going vessel" means a vessel that is not an
8 ocean-going vessel.

9 (R) ~~(q)~~—"Ocean-going vessel" means a vessel that operates on
10 the Great Lakes or the St. Lawrence waterway after operating in
11 waters outside of the Great Lakes or the St. Lawrence waterway.

12 (S) ~~(r)~~—"Open water disposal of contaminated dredge materials"
13 means the placement of dredge materials contaminated with toxic
14 substances as defined in R 323.1205 of the Michigan administrative
15 code into the open waters of the waters of the state but does not
16 include the siting or use of a confined disposal facility
17 designated by the United States Army Corps of Engineers or beach
18 nourishment activities utilizing uncontaminated materials.

19 (T) ~~(s)~~—"Primary public safety answering point" means that
20 term as defined in section 102 of the emergency telephone ~~9-1-1~~
21 service enabling act, 1986 PA 32, MCL 484.1102.

22 (U) ~~(t)~~—"Sediments" means any matter settled out of ballast
23 water within a vessel.

24 (V) ~~(u)~~—"Sewage sludge" means sewage sludge generated in the
25 treatment of domestic sewage, other than only septage or industrial
26 waste.

27 (W) ~~(v)~~—"Sewage sludge derivative" means a product for land

1 application derived from sewage sludge that does not include solid
2 waste or other waste regulated under this act.

3 (X) ~~(w)~~—"Sewage sludge generator" means a person who generates
4 sewage sludge that is applied to land.

5 (Y) ~~(x)~~—"Sewage sludge distributor" means a person who
6 applies, markets, or distributes, except at retail, a sewage sludge
7 derivative.

8 (Z) ~~(y)~~—"St. Lawrence waterway" means the St. Lawrence River,
9 the St. Lawrence Seaway, and the Gulf of St. Lawrence.

10 (AA) ~~(z)~~—"Threshold reporting quantity" means that term as
11 defined in R 324.2002 of the Michigan administrative code.

12 (BB) ~~(aa)~~—"Waters of the state" means groundwaters, lakes,
13 rivers, and streams and all other watercourses and waters,
14 including the Great Lakes, within the jurisdiction of this state.

15 Sec. 3102. (1) **THE WATER RESOURCES COMMISSION IS CREATED**
16 **WITHIN THE DEPARTMENT.**

17 (2) **THE COMMISSION SHALL CONSIST OF THE FOLLOWING MEMBERS:**

18 (A) **THE DIRECTOR OF THE DEPARTMENT.**

19 (B) **THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES.**

20 (C) **ELEVEN MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE**
21 **AND CONSENT OF THE SENATE AS FOLLOWS WHO REPRESENT DIVERSE**
22 **GEOGRAPHIC AREAS OF THIS STATE:**

23 (i) **TWO INDIVIDUALS REPRESENTING COMMERCE AND INDUSTRY IN THIS**
24 **STATE.**

25 (ii) **TWO INDIVIDUALS WITH MEDICAL BACKGROUNDS WHO HAVE**
26 **KNOWLEDGE AND EXPERTISE IN MEDICAL ISSUES ASSOCIATED WITH WATER**
27 **CONTAMINATION.**

1 (iii) TWO INDIVIDUALS REPRESENTING LOCAL UNITS OF GOVERNMENT
2 IN THIS STATE.

3 (iv) TWO INDIVIDUALS REPRESENTING PRIVATE ENVIRONMENTAL
4 PROTECTION ORGANIZATIONS.

5 (v) THREE INDIVIDUALS REPRESENTING THE GENERAL PUBLIC.

6 (3) THE MEMBERS FIRST APPOINTED TO THE COMMISSION UNDER
7 SUBSECTION (2) (C) SHALL BE APPOINTED WITHIN 30 DAYS AFTER THE
8 EFFECTIVE DATE OF THE 2016 AMENDATORY ACT THAT AMENDED THIS
9 SECTION.

10 (4) MEMBERS OF THE COMMISSION APPOINTED UNDER SUBSECTION
11 (2) (C) SHALL SERVE FOR TERMS OF 3 YEARS OR UNTIL A SUCCESSOR IS
12 APPOINTED, WHICHEVER IS LATER, EXCEPT THAT OF THE MEMBERS FIRST
13 APPOINTED 3 SHALL SERVE FOR 1 YEAR, 4 SHALL SERVE FOR 2 YEARS, AND
14 4 SHALL SERVE FOR 3 YEARS.

15 (5) IF A VACANCY OCCURS IN AN APPOINTED SEAT ON THE
16 COMMISSION, THE GOVERNOR SHALL MAKE AN APPOINTMENT FOR THE
17 UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

18 (6) THE GOVERNOR MAY REMOVE A MEMBER OF THE COMMISSION FOR
19 INCOMPETENCE, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR
20 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

21 (7) THE FIRST MEETING OF THE COMMISSION SHALL BE CALLED BY THE
22 DIRECTOR OF THE DEPARTMENT NOT LATER THAN 60 DAYS AFTER THE
23 EFFECTIVE DATE OF THE AMENDATORY ACT THAT AMENDED THIS SECTION. AT
24 THE FIRST MEETING, THE COMMISSION SHALL ELECT FROM AMONG ITS
25 MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS NECESSARY
26 OR APPROPRIATE. AFTER THE FIRST MEETING, THE COMMISSION SHALL MEET
27 AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE

1 CHAIRPERSON OR IF REQUESTED BY 3 OR MORE MEMBERS.

2 (8) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A
3 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE
4 COMMISSION. A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE
5 REQUIRED FOR OFFICIAL ACTION OF THE COMMISSION.

6 (9) THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE
7 CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLIANCE
8 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

9 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
10 RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL
11 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
12 MCL 15.231 TO 15.246.

13 (11) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT
14 COMPENSATION. HOWEVER, MEMBERS OF THE COMMISSION MAY BE REIMBURSED
15 FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE
16 OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE COMMISSION.

17 (12) THE COMMISSION SHALL CARRY OUT ALL RESPONSIBILITIES AS
18 PROVIDED IN THIS ACT AND AS OTHERWISE PROVIDED BY LAW.

19 (13) The director OF THE DEPARTMENT shall implement this part
20 UNDER THE OVERSIGHT OF THE COMMISSION.

21 SEC. 3102A. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
22 PART, THE COMMISSION SHALL EXERCISE SUPERVISORY AUTHORITY OVER ALL
23 OF THE FOLLOWING UNDER THIS PART:

24 (A) THE ISSUANCE, DENIAL, REVOCATION, SUSPENSION, OR
25 MODIFICATION OF PERMITS.

26 (B) THE PROMULGATION OF RULES.

27 (C) THE DEVELOPMENT OF DEPARTMENT POLICIES.

1 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART, THE
2 DIRECTOR OF THE DEPARTMENT OR THE DEPARTMENT SHALL NOT EXERCISE THE
3 POWERS LISTED IN SUBSECTION (1) WITHOUT THE APPROVAL OF THE
4 COMMISSION.

5 (3) THE COMMISSION SHALL RECEIVE COMPLAINTS OF WATER POLLUTION
6 IN ALLEGED VIOLATION OF THIS PART, RULES PROMULGATED UNDER THIS
7 PART, OR ANY DETERMINATION, PERMIT, OR ORDER ISSUED UNDER THIS
8 PART.

9 (4) IN RESPONSE TO A COMPLAINT UNDER SUBSECTION (3), THE
10 COMMISSION MAY DO ANY OF THE FOLLOWING:

11 (A) REQUIRE THE DIRECTOR OF THE DEPARTMENT OR THE DEPARTMENT
12 TO TAKE INVESTIGATORY OR ENFORCEMENT ACTION AS PROVIDED IN THIS
13 PART.

14 (B) REQUEST THE ATTORNEY GENERAL TO COMMENCE AN ACTION IN
15 COURT AS PROVIDED IN THIS PART.

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

19 (2) An application for a permit under subsection (1) shall be
20 submitted to the department. Within 30 days after an application
21 for a new or increased use is received, the department shall
22 determine whether the application is administratively complete.
23 Within 90 days after an application for reissuance of a permit is
24 received, the department shall determine whether the application is
25 administratively complete. If the department determines that an
26 application is not complete, the department shall notify the
27 applicant in writing within the applicable time period. If the

1 department does not make a determination as to whether the
2 application is complete within the applicable time period, the
3 application shall be considered to be complete.

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

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

21 (5) A person who is aggrieved by an order of abatement of the
22 department or by the reissuance, modification, suspension, or
23 revocation of an existing permit ~~of the department executed~~
24 ~~pursuant to~~**ISSUED UNDER** this section may file a sworn petition
25 with the ~~department~~**COMMISSION** setting forth the grounds and
26 reasons for the complaint and asking for a contested case hearing
27 on the matter pursuant to the administrative procedures act of

1 1969, 1969 PA 306, MCL 24.201 to 24.328. A petition filed more than
2 60 days after action on the order or permit may be rejected by the
3 ~~department~~**COMMISSION** as being untimely.

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

1 accordance with the timelines provided in section 3120. The
2 department may promulgate rules to implement this subsection.

3 Sec. 3113. (1) A person who seeks a new or increased use of
4 the waters of the state for sewage or other waste disposal purposes
5 shall file with the department an application setting forth the
6 information required by the department, including the nature of the
7 enterprise or development contemplated, the amount of water
8 required to be used, its source, the proposed point of discharge of
9 the wastes into the waters of the state, the estimated amount to be
10 discharged, and a statement setting forth the expected bacterial,
11 physical, chemical, and other known characteristics of the wastes.

12 (2) If a permit is granted, the department shall condition the
13 permit upon such restrictions that the department considers
14 necessary to adequately guard against unlawful uses of the waters
15 of the state as are set forth in section 3109.

16 (3) If the permit or denial of a new or increased use is not
17 acceptable to the permittee, the applicant, or any other person,
18 the permittee, the applicant, or other person may file a sworn
19 petition with the ~~department~~**COMMISSION** setting forth the grounds
20 and reasons for the complaint and asking for a contested case
21 hearing on the matter pursuant to the administrative procedures act
22 of 1969, 1969 PA 306, MCL 24.201 to 24.328. A petition filed more
23 than 60 days after action on the permit application may be rejected
24 by the ~~department~~**COMMISSION** as being untimely.

25 Sec. 3120. (1) Until October 1, 2019, an application for a new
26 permit, a reissuance of a permit, or a modification of an existing
27 permit under this part authorizing a discharge into surface water,

1 other than a storm water discharge, shall be accompanied by an
2 application fee as follows:

3 (a) For an EPA major facility permit, \$750.00.

4 (b) For an EPA minor facility individual permit, a CSO permit,
5 or a wastewater stabilization lagoon individual permit, \$400.00.

6 (c) For an EPA minor facility general permit, \$75.00.

7 (2) Within 180 days after receipt of a complete application
8 for a new or increased use permit, the department shall either
9 grant or deny the permit, unless the applicant and the department
10 agree to extend this time period.

11 (3) By September 30 of the year following the submittal of a
12 complete application for reissuance of a permit, the department
13 shall either grant or deny the permit, unless the applicant and the
14 department agree to extend this time period.

15 (4) If the department fails to make a decision on an
16 application within the applicable time period under subsection (2)
17 or (3), the department shall return to the applicant the
18 application fee submitted under subsection (1) and the applicant
19 shall not be subject to an application fee and shall receive a 15%
20 annual discount on an annual permit fee required for a permit
21 issued based upon that application.

22 (5) Until October 1, 2019, a person who receives a permit
23 under this part authorizing a discharge into surface water, other
24 than a stormwater discharge, is subject to an annual permit fee as
25 follows:

26 (a) For an industrial or commercial facility that is an EPA
27 major facility, \$8,700.00.

1 (b) For an industrial or commercial facility that is an EPA
2 minor facility, the following amounts:

3 (i) For a general permit for a low-flow facility, \$150.00.

4 (ii) For a general permit for a high-flow facility, \$400.00.

5 (iii) For an individual permit for a low-flow facility,
6 \$1,650.00.

7 (iv) For an individual permit for a high-flow facility,
8 \$3,650.00.

9 (c) For a municipal facility that is an EPA major facility,
10 the following amounts:

11 (i) For an individual permit for a facility discharging 500
12 MGD or more, \$213,000.00.

13 (ii) For an individual permit for a facility discharging 50
14 MGD or more but less than 500 MGD, \$20,000.00.

15 (iii) For an individual permit for a facility discharging 10
16 MGD or more but less than 50 MGD, \$13,000.00.

17 (iv) For an individual permit for a facility discharging less
18 than 10 MGD, \$5,500.00.

19 (d) For a municipal facility that is an EPA minor facility,
20 the following amounts:

21 (i) For an individual permit for a facility discharging 10 MGD
22 or more, \$3,775.00.

23 (ii) For an individual permit for a facility discharging 1 MGD
24 or more but less than 10 MGD, \$3,000.00.

25 (iii) For an individual permit for a facility discharging less
26 than 1 MGD, \$1,950.00.

27 (iv) For a general permit for a high-flow facility, \$600.00.

1 (v) For a general permit for a low-flow facility, \$400.00.

2 (e) For a municipal facility that is a CSO facility,
3 \$6,000.00.

4 (f) For an individual permit for a wastewater stabilization
5 lagoon, \$1,525.00.

6 (g) For an individual or general permit for an agricultural
7 purpose, \$600.00, unless either of the following applies:

8 (i) The facility is an EPA minor facility and would qualify
9 for a general permit for a low-flow facility, in which case the fee
10 is \$150.00.

11 (ii) The facility is an EPA major facility that is not a
12 farmers' cooperative corporation, in which case the fee is
13 \$8,700.00.

14 (h) For a facility that holds a permit issued under this part
15 but has no discharge and is connected to and is authorized to
16 discharge only to a municipal wastewater treatment system, an
17 annual permit maintenance fee of \$100.00. However, if a facility
18 does have a discharge or at some point is no longer connected to a
19 municipal wastewater treatment system, the annual permit fee shall
20 be the appropriate fee as otherwise provided in this subsection.

21 (6) If the person required to pay an application fee under
22 subsection (1) or an annual permit fee under subsection (5) is a
23 municipality, the municipality may pass on the application fee or
24 the annual permit fee, or both, to each user of the municipal
25 facility.

26 (7) The department shall send invoices for annual permit fees
27 under subsection (5) to all permit holders by December 1 of each

1 year. The fee shall be based on the status of the facility as of
2 October 1 of that year. A person subject to an annual permit fee
3 shall pay the fee not later than January 15 of each year. Failure
4 by the department to send an invoice by the deadline, or failure of
5 a person to receive an invoice, does not relieve that person of his
6 or her obligation to pay the annual permit fee. If the department
7 does not meet the December 1 deadline for sending invoices, the
8 annual permit fee is due not later than 45 days after receiving an
9 invoice. The department shall forward annual permit fees received
10 under this section to the state treasurer for deposit into the
11 national pollutant discharge elimination system fund created in
12 section 3121.

13 (8) The department shall assess a penalty on all annual permit
14 fee payments submitted under this section after the due date. The
15 penalty shall be an amount equal to 0.75% of the payment due for
16 each month or portion of a month the payment remains past due.

17 (9) Following payment of an annual permit fee, if a permittee
18 wishes to challenge its annual permit fee under this section, the
19 owner or operator shall submit the challenge in writing to the
20 department. The department shall not process the challenge unless
21 it is received by the department by March 1 of the year the payment
22 is due. A challenge shall identify the facility and state the
23 grounds upon which the challenge is based. Within 30 calendar days
24 after receipt of the challenge, the department shall determine the
25 validity of the challenge and provide the permittee with
26 notification of a revised annual permit fee and a refund, if
27 appropriate, or a statement setting forth the reason or reasons why

1 the annual permit fee was not revised. If the owner or operator of
2 a facility desires to further challenge its annual permit fee, the
3 owner or operator of the facility has an opportunity for a
4 contested case hearing **BEFORE THE COMMISSION** as provided for under
5 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
6 to 24.328.

7 (10) The attorney general may bring an action for the
8 collection of the annual permit fee imposed under this section.

9 (11) As used in this section:

10 (a) "Agricultural purpose" means the agricultural production
11 or processing of those plants and animals useful to human beings
12 produced by agriculture and includes, but is not limited to,
13 forages and sod crops, grains and feed crops, field crops, dairy
14 animals and dairy products, poultry and poultry products, cervidae,
15 livestock, including breeding and grazing, equine, fish and other
16 aquacultural products, bees and bee products, berries, herbs,
17 fruits, vegetables, flowers, seeds, grasses, nursery stock, trees
18 and tree products, mushrooms, and other similar products, or any
19 other product, as determined by the commission of agriculture and
20 rural development, that incorporates the use of food, feed, fiber,
21 or fur. Agricultural purpose includes an operation or facility that
22 produces wine.

23 (b) "Combined sewer overflow" means a discharge from a
24 combined sewer system that occurs when the flow capacity of the
25 combined sewer system is exceeded at a point prior to the headworks
26 of a publicly owned treatment works during wet weather conditions.

27 (c) "Combined sewer system" means a sewer designed and used to

1 convey both storm water runoff and sanitary sewage, and that
2 contains lawfully installed regulators and control devices that
3 allow for delivery of sanitary flow to treatment during dry weather
4 periods and divert storm water and sanitary sewage to surface
5 waters during storm flow periods.

6 (d) "CSO facility" means a facility whose discharge is solely
7 a combined sewer overflow.

8 (e) "EPA major facility" means a facility that is designated
9 by the United States Environmental Protection Agency as being a
10 major facility under 40 CFR 122.2.

11 (f) "EPA minor facility" means a facility that is not an EPA
12 major facility.

13 (g) "Farmers' cooperative corporation" means a farmers'
14 cooperative corporation organized within the limitations of section
15 98 of 1931 PA 327, MCL 450.98.

16 (h) "General permit" means a permit suitable for use at
17 facilities meeting eligibility criteria as specified in the permit.
18 With a general permit, the discharge from a specific facility is
19 acknowledged through a certificate of coverage issued to the
20 facility.

21 (i) "High-flow facility" means a facility that discharges 1
22 MGD or more.

23 (j) "Individual permit" means a permit developed for a
24 particular facility, taking into account that facility's specific
25 characteristics.

26 (k) "Industrial or commercial facility" means a facility that
27 is not a municipal facility.

1 (l) "Low-flow facility" means a facility that discharges less
2 than 1 MGD.

3 (m) "MGD" means 1,000,000 gallons per day.

4 (n) "Municipal facility" means a facility that is designed to
5 collect or treat sanitary wastewater, and is either publicly or
6 privately owned, and serves a residential area or a group of
7 municipalities.

8 (o) "Wastewater stabilization lagoon" means a type of
9 treatment system constructed of ponds or basins designed to
10 receive, hold, and treat sanitary wastewater for a predetermined
11 amount of time through a combination of physical, biological, and
12 chemical processes.

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.