

# HOUSE BILL NO. 4891

September 03, 2019, Introduced by Reps. Cherry and Hernandez and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3122 and 4112 (MCL 324.3122 and 324.4112), section 3122 as amended by 2015 PA 247 and section 4112 as amended by 2015 PA 82.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1** Sec. 3122. (1) Until ~~September 30, 2019,~~ **October 1, 2023**, the  
**2** department may levy and collect an annual groundwater discharge

1 permit fee from facilities or municipalities that discharge  
2 wastewater to the ground or groundwater of this state pursuant to  
3 section 3112. The fee ~~shall be~~ **is** as follows:

4 (a) For a group 1 facility, \$3,650.00.

5 (b) For a group 2 facility or a municipality of 1,000 or fewer  
6 residents, \$1,500.00.

7 (c) For a group 2a facility, \$250.00.

8 (d) For a group 3 facility, \$200.00.

9 (2) Within 180 days after receipt of a complete application  
10 for a permit to discharge wastewater to the ground or to  
11 groundwater, the department shall ~~either~~ grant or deny a permit,  
12 unless the applicant and the department agree to extend this time  
13 period. If the department fails to make a decision on an  
14 application within the time period specified or agreed to under  
15 this subsection, an applicant subject to an annual groundwater  
16 discharge permit fee shall receive a 15% annual discount on the  
17 annual groundwater discharge permit fee.

18 (3) If the person required to pay the annual groundwater  
19 discharge permit fee under subsection (1) is a municipality, the  
20 municipality may pass on the annual groundwater discharge permit  
21 fee to each user of the municipal facility.

22 (4) As used in this section, "group 1 facility", "group 2  
23 facility", "group 2a facility", and "group 3 facility" do not  
24 include a municipality with a population of 1,000 or fewer  
25 residents.

26 Sec. 4112. (1) Subject to subsection (2), the following  
27 projects are eligible for expedited review:

28 (a) A conventional gravity sewer extension of 10,000 feet or  
29 less of sewer line.

1 (b) A simple pumping station and force main.

2 (c) A small diameter pressure sewer and grinder pumping  
3 station.

4 (2) An expedited review shall not be conducted for a project  
5 that is being funded by the state water pollution control revolving  
6 fund created in section 16a of the shared credit rating act, 1985  
7 PA 227, MCL 141.1066a.

8 (3) To obtain an expedited review, a person shall do all of  
9 the following ~~by September 30, 2019:~~ **before October 1, 2023:**

10 (a) At least 10 business days ~~prior to~~ **before** submitting an  
11 application under subdivision (b), notify the department  
12 electronically, ~~in accordance with the~~ **pursuant to** instructions  
13 provided on the department's website, of his or her intent to  
14 request expedited review. The department may waive this 10-day  
15 notification requirement.

16 (b) Submit electronically a complete application for a  
17 construction permit including a request for expedited review and  
18 ~~including, via credit card~~ **payment of** the appropriate fee under  
19 subsection (4).

20 (c) Provide a written copy of the construction plans and  
21 specifications for the project that has been prepared, signed, and  
22 sealed by a licensed professional engineer to the department  
23 postmarked not later than the date that the application is  
24 submitted electronically.

25 (d) For nongovernmental entities, provide certification to the  
26 department that all necessary contractual service agreements and  
27 financial plans are in place.

28 (4) Except as provided in subsection (6), the fee for an  
29 expedited review is as follows:

1 (a) For a conventional gravity sewer extension less than 2,000  
2 feet, \$1,000.00.

3 (b) For a conventional gravity sewer extension equal to or  
4 greater than 2,000 feet but less than 4,000 feet of sewer line,  
5 \$1,500.00, and for each incremental increase of up to 2,000 feet of  
6 sewer line, an additional \$500.00.

7 (c) For a simple pumping station and force main, \$2,000.00.

8 (d) For a small diameter pressure sewer and grinder pumping  
9 station consisting of not more than 2,000 feet of sewer line and  
10 not more than 10 grinder pumping stations, \$2,000.00.

11 (e) For small diameter pressure sewer and grinder pumping  
12 station projects not covered by subdivision (d) and consisting of  
13 not more than 5,000 feet of sewer line and not more than 25 grinder  
14 pumping stations, \$4,000.00.

15 (5) Except as provided in subsection (7), if an applicant does  
16 not comply with subsection (3), the department shall not conduct an  
17 expedited review and any submitted fee shall not be refunded.  
18 Within 10 business days after receipt of the application, the  
19 department shall notify the applicant of the reasons why the  
20 department's review of the application will not be expedited. Upon  
21 receipt of this notification, a person may correct the deficiencies  
22 and resubmit an application and request for an expedited review  
23 with the appropriate fee specified under subsection (6). The  
24 department shall not reject a resubmitted application and request  
25 for expedited review solely because of deficiencies that the  
26 department failed to fully identify in the original application.

27 (6) For a second submission of an application that originally  
28 failed to meet the requirements specified in subsection (3), the  
29 applicant shall instead include a fee equal to 10% of the fee

1 specified in subsection (4). However, if the deficiency included  
2 failure to pay the appropriate fee, the second submission shall  
3 include the balance of the appropriate fee plus **either** 10% of the  
4 appropriate fee ~~—If or, if~~ the applicant makes additional changes  
5 other than those items identified by the department as being  
6 deficient, ~~the applicant shall instead include~~ an additional fee  
7 equal to the fee specified in subsection (4). For the third and  
8 each subsequent submittal of an application that failed to meet the  
9 requirements specified in subsection (3), the applicant shall  
10 include an additional fee equal to the fee specified in subsection  
11 (4).

12 (7) If an applicant fails to sign the application, submits  
13 construction plans and specifications that have not been prepared,  
14 signed, and sealed by a licensed professional engineer, or ~~submits~~  
15 ~~an insufficient~~ **does not submit the required** fee, the department  
16 shall notify the applicant **of the deficiency** within 5 business days  
17 ~~of the deficiency.~~ **after receiving the application.** The application  
18 shall not be processed until the deficient items are addressed. If  
19 the applicant does not provide the deficient items within 5  
20 business days after notification by the department, the application  
21 shall be handled as provided in subsection (5).

22 (8) The department shall review and make a decision on  
23 complete applications submitted with a request for expedited review  
24 within 10 business days ~~of~~ **after** receipt by the department of a  
25 complete application. However, if the department waives the  
26 notification requirement of subsection (3)(a), the department shall  
27 review and make a decision on the application within 20 business  
28 days ~~of~~ **after** receipt of a complete application.

29 (9) If the department fails to meet the deadline specified in

1 subsection (8), **both of the following apply:**

2       **(a) The** department shall continue to expedite the application  
3 review process for ~~an~~**the** application. ~~submitted under this~~  
4 ~~section. However, the fee for an expedited review~~

5       **(b) The fee** required under this section **for an expedited**  
6 **review** shall be refunded. ~~if the department fails to meet the~~  
7 ~~deadline established in subsection (8).~~

8       (10) The department shall transmit fees collected under this  
9 section to the state treasurer for deposit into the fund.

10       (11) As used in this section, "complete application" means  
11 ~~that~~ a department-provided application form **that** is completed, **for**  
12 **which** all requested information has been provided, and ~~the~~  
13 ~~application~~**that** can be processed without additional information.