

HOUSE BILL NO. 6211

June 09, 2022, Introduced by Reps. Cambensy, Steven Johnson, Tisdell, Bollin, Beeler, Calley, Meerman, Bellino, Hoitenga, Clements, Lightner, Eisen, Allor, Outman and Alexander and referred to the Committee on Oversight.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 3506 (MCL 324.3506), as added by 1995 PA 60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3506. **(1)** ~~Every~~**A** permit issued by the department under
2 this part ~~shall give to~~**gives** the permittee the right to use the
3 water specified in the permit at the times, in the manner, in the
4 quantity, and under the circumstances ~~as~~ specified in the permit,
5 subject to the conditions contained in the permit, and ~~shall be~~**is**
6 irrevocable except for a breach or violation of the terms and

1 conditions of the permit. If the department finds, upon
2 consideration of the needs of the applicant, the public interest ~~to~~
3 ~~be~~-**is** served by the use of the water by the applicant, and all
4 other facts relating to the use of the water, that the public
5 interest requires the inclusion in the permit of a provision that
6 will authorize modification or revocation of the permit, then the
7 department may provide for modification or revocation of the permit
8 by including in the permit the specific grounds upon which the
9 permit may be modified or revoked by the department in the public
10 interest.

11 (2) A permit issued pursuant to this part ~~shall~~-**must** not be
12 revoked for breach or violation of the terms and conditions of the
13 permit or be revoked or modified upon other grounds specified in
14 the permit unless the permittee ~~has been~~-**is** given an opportunity to
15 be heard on the grounds for the proposed revocation or modification
16 after 30 days' written notice to the permittee. A permit ~~shall~~-**must**
17 not be revoked for breach or violation of the terms and conditions
18 of the permit unless the permittee ~~has been~~-**is** given an opportunity
19 to correct or remedy the alleged breach or violation within a
20 reasonable time and ~~has failed~~-**fails** to do so. Every notice ~~shall~~
21 **must** specify the grounds for the proposed revocation or
22 modification and, in the event of a proposed modification, the
23 extent of the modification.

24 (3) If **the department determines that** a violation of the
25 conditions of a permit exists that ~~in the judgment of the~~
26 ~~department~~ threatens the public interest in the waters involved as
27 to require abatement, without first giving 30 days' written notice
28 to the permittee, the department may issue an emergency order for
29 abatement. ~~, which~~ **An emergency order shall have issued under this**

1 **subsection has** the same validity as if a 30 days' written notice
2 ~~had been~~ **was** given and the permittee ~~had been~~ **was** granted a
3 hearing. The emergency order ~~shall remain~~ **remains** in force ~~no~~
4 ~~longer~~ **not more** than 21 days from its effective date. Failure to
5 comply with an emergency order constitutes grounds for revocation
6 of the permit. **Within 24 hours after issuing an emergency order**
7 **under this subsection, the department shall notify the senate and**
8 **house of representatives in writing.**