

HOUSE BILL NO. 5942

September 17, 2024, Introduced by Reps. Wozniak, St. Germaine, Kuhn and Aragona and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 3115b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3115b. (1) If a person discharges a substance in
2 violation of a permit issued under this part and the person
3 responsible for the discharge is a county with a population of more
4 than 1,000,000, the county shall submit a discharge reduction plan
5 to the department within 1 year after the first discharge in

1 violation of the permit occurred.

2 (2) Not more than 1 year after the effective date of the
3 amendatory act that added this section, the department shall
4 promulgate rules in accordance with the administrative procedures
5 act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to provide for the
6 format, content, and submission of a discharge reduction plan
7 required under subsection (1). At a minimum, a discharge reduction
8 plan must contain express measures that the county will take to
9 reduce the average volume of discharge over the preceding 5 years
10 by 50%.

11 (3) Not more than 180 days after the department receives a
12 discharge reduction plan under subsection (1), the department shall
13 approve or deny the discharge reduction plan and notify the county
14 in writing. If the department denies the discharge reduction plan,
15 the notice must state the reasons for the denial. Not more than 180
16 days after the county receives a notice denying the discharge
17 reduction plan, the county must submit an updated discharge
18 reduction plan to the department.

19 (4) After a discharge reduction plan is approved under
20 subsection (3), the county shall implement and complete the terms
21 of the discharge reduction plan within 2 years. If a county fails
22 to implement and complete the terms of a discharge reduction plan
23 within 2 years, the department shall not grant a new or reissuance
24 of a permit under this part.

25 (5) If either of the following occurs, the department, after
26 notice and an opportunity for an evidentiary hearing under the
27 administrative procedures act of 1969, 1969 PA 306, MCL 24.204 to
28 24.328, may impose an administrative fine of not more than
29 \$1,000,000.00 per month that the violation continues:

1 (a) A county fails to submit a discharge reduction plan in
2 accordance with this section.

3 (b) A county fails to implement and complete a discharge
4 reduction plan after it is approved by the department.

5 (6) The department shall advise the attorney general of the
6 failure of a county to pay an administrative fine under subsection
7 (5). The attorney general shall bring a civil action to recover the
8 administrative fine and the costs and fees. An administrative fine
9 recovered under this section must be deposited in the clean water
10 state revolving fund administered by the department and the
11 Michigan municipal bond authority under the authority granted by
12 all of the following:

13 (a) Part 53.

14 (b) The shared credit rating act, 1985 PA 227, MCL 141.1051 to
15 141.1076.

16 (c) The federal water pollution control act, 33 USC 1251 to
17 1389.