

SENATE BILL No. 1332

June 27, 2006, Introduced by Senators BRATER, PRUSI, CLARK-COLEMAN, BASHAM and WHITMER and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3113 (MCL 324.3113), as amended by 2004 PA 91.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3113. (1) A person who seeks a new or increased use of
2 the waters of the state for sewage or other waste disposal purposes
3 shall file with the department an application ~~setting~~ **FOR A**
4 **PERMIT. THE APPLICATION SHALL SET** forth the information required by
5 the department, including ~~the~~ **ALL OF THE FOLLOWING:**

6 **(A) THE** nature of the enterprise or development contemplated.
7 ~~the~~

8 **(B) THE** amount of water required to be used ~~the~~ **AND** its
9 source. ~~the~~

1 (C) **THE** proposed point of discharge of the wastes into the
2 waters of the state. ~~the~~

3 (D) **THE** estimated amount **OF WASTEWATER** to be discharged. ~~and a statement setting forth the~~

4 (E) **THE** expected bacterial, physical, chemical, and other
5 known characteristics of the ~~wastes~~ **WASTEWATER**.

6 (F) **A CERTIFICATION AS DESCRIBED IN SUBSECTION (2).**

7 (2) **NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART, THE**
8 **DEPARTMENT SHALL NOT ISSUE A NEW OR INCREASED USE PERMIT UNDER THIS**
9 **PART FOR A DISCHARGE FROM A PROPOSED USE, ACTIVITY, OR FACILITY**
10 **UNLESS THE PROPOSED USE, ACTIVITY, OR FACILITY COMPLIES WITH A**
11 **LOCAL ZONING ORDINANCE, IS AUTHORIZED AS A NONCONFORMING USE OR BY**
12 **A VARIANCE, IS OTHERWISE EXEMPT FROM OR NOT SUBJECT TO A LOCAL**
13 **ZONING ORDINANCE, OR IS PART OF A RESPONSE ACTIVITY APPROVED BY THE**
14 **DEPARTMENT PURSUANT TO THIS ACT. AN APPLICANT FOR A NEW OR**
15 **INCREASED USE PERMIT UNDER THIS PART SHALL CERTIFY ON THE PERMIT**
16 **APPLICATION THAT 1 OR MORE OF THESE CONDITIONS ARE MET. FALSE**
17 **CERTIFICATION UNDER THIS SUBSECTION IS A VIOLATION OF THIS PART**
18 **AND, IN ADDITION TO OTHER APPLICABLE PENALTIES, CIVIL SANCTIONS, OR**
19 **REMEDIES PROVIDED FOR BY THIS PART, IS GROUNDS FOR DENIAL OR**
20 **REVOCAION OF THE PERMIT.**

21 (3) ~~(2)~~ If a permit is granted, the department shall
22 condition the permit upon such restrictions that the department
23 considers necessary to adequately guard against unlawful uses of
24 the waters of the state ~~as are~~ set forth in section 3109.

25 (4) ~~(3)~~ If the permit or denial of a new or increased use is
26 not acceptable to the permittee, the applicant, or any other
27

1 person, the ~~permittee, the applicant, or other~~ **AGGRIEVED** person
2 may file a sworn petition with the department setting forth the
3 grounds and reasons for the complaint and asking for a contested
4 case hearing on the matter pursuant to the administrative
5 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. A
6 petition filed more than 60 days after action on the permit
7 application may be rejected by the department as being untimely.