

HOUSE BILL No. 4222

February 9, 1999, Introduced by Reps. Bogardus, Jamnick, Cherry, Hale, Brater, Spade, Baird, Callahan, Dennis, Basham, Green and Jelinek and referred to the Committee on Conservation and Outdoor Recreation.

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

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 pur-
3 poses shall file with the department an application setting forth
4 the information required by the department, including the nature
5 of the enterprise or development contemplated, the amount of
6 water required to be used, its source, the proposed point of dis-
7 charge of the wastes into the waters of the state, the estimated
8 amount to be discharged, and a statement setting forth the
9 expected bacterial, physical, chemical, and other known
10 characteristics of the wastes. UPON RECEIVING A COMPLETED
11 APPLICATION FOR A NEW PERMIT OR A NEW CERTIFICATE OF COVERAGE FOR

1 A SEWAGE/ANAEROBIC LAGOON SERVING A RESIDENTIAL AREA, THE
2 DEPARTMENT SHALL DO ALL OF THE FOLLOWING BEFORE GRANTING THE
3 PERMIT OR CERTIFICATE:

4 (A) NOTIFY EACH MUNICIPALITY THAT WILL BE AFFECTED BY THE
5 GRANTING OF THE PERMIT BY MAILING A NOTICE OF THE PERMIT APPLICA-
6 TION TO THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY BY
7 FIRST-CLASS MAIL. THE DEPARTMENT SHALL PROMULGATE RULES THAT
8 ESTABLISH CRITERIA FOR DETERMINING WHEN A MUNICIPALITY SHALL BE
9 CONSIDERED AFFECTED BY THE GRANTING OF A PERMIT. THESE RULES
10 SHALL BE BASED ON SCIENTIFIC DATA.

11 (B) NOTIFY THE HEALTH DEPARTMENT OF EACH COUNTY THAT IS CON-
12 TIGUOUS TO A POND OR LAKE IF THE PERMIT APPLICATION IS FOR A DIS-
13 CHARGE SITE IN THE POND OR LAKE, AND OF EACH MUNICIPALITY THAT IS
14 DOWNSTREAM IF THE PERMIT APPLICATION IS FOR A DISCHARGE SITE IN A
15 CREEK, STREAM, OR RIVER.

16 (C) PUBLISH THE NOTICE OF THE PERMIT APPLICATION IN THE
17 LOCAL NEWSPAPERS AND THE NEWSPAPERS OF GENERAL CIRCULATION IN
18 EACH MUNICIPALITY IDENTIFIED IN SUBDIVISION (B).

19 (D) HOLD A PUBLIC HEARING IN THE AREAS AFFECTED BY THE
20 GRANTING OF THE REQUESTED PERMIT INCLUDING THOSE MUNICIPALITIES
21 THAT ARE DOWNSTREAM OF THE REQUESTED DISCHARGE SITE, IF A REQUEST
22 FOR HEARING IS RECEIVED FROM ANY PERSON WITHIN 60 DAYS AFTER THE
23 PUBLIC NOTICE IS LAST PUBLISHED.

24 (2) Within 180 days after receipt of a complete application,
25 the department shall either grant or deny a permit, unless the
26 applicant and the department agree to extend this time period.
27 If a permit is granted, the department shall condition the permit

1 upon ~~such~~ THE restrictions that the department considers
2 necessary to adequately guard against unlawful uses of the waters
3 of the state ~~as~~ THAT are set forth in section 3109.

4 (3) If the permit or denial of a new or increased use is not
5 acceptable to the permittee, the applicant, or any other person,
6 the permittee, the applicant, or other person may file a sworn
7 petition with the department setting forth the grounds and rea-
8 sons for the complaint and asking for a contested case hearing on
9 the matter pursuant to the administrative procedures act of 1969,
10 ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to~~
11 ~~24.328 of the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO
12 24.328. A petition filed more than 60 days after action on the
13 permit application may be rejected by the ~~commission~~ DEPARTMENT
14 as being untimely.