

HOUSE BILL No. 5233

January 26, 2016, Introduced by Rep. Kivela and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 11703, 11717, and 11718 (MCL 324.11703,
324.11717, and 324.11718), as amended by 2004 PA 381.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11703. (1) An application for a septage waste servicing
2 license shall include all of the following:

3 (a) The applicant's name and mailing address.

4 (b) The location or locations where the business is operated,
5 if the applicant is engaged in the business of servicing.

6 (c) Written approval from all receiving facilities where the
7 applicant plans to dispose of septage waste.

8 (d) The locations of the sites where the applicant plans to
9 apply septage waste to land and, for each proposed site, either
10 proof that the applicant owns the proposed site or written approval

1 from the site owner.

2 (e) A written plan for disposal of septage waste obtained in
3 the winter, if the disposal will be by a method other than delivery
4 to a receiving facility or, subject to section 11711, application
5 to land.

6 (f) Written proof of satisfaction of the continuing education
7 requirements of subsection (2), if applicable.

8 (g) Any additional information pertinent to this part required
9 by the department.

10 (h) Payment of the septage waste servicing license fee as
11 provided in section 11717b.

12 (2) ~~Beginning January 1, 2007, a~~ A person is not eligible for
13 an initial servicing license unless the person has successfully
14 completed not less than ~~10~~ 15 hours of continuing education during
15 the 2-year period before applying for the license. ~~Beginning~~
16 ~~January 1, 2007 and until December 31, 2009, a person is not~~
17 ~~eligible to renew a servicing license unless the person has~~
18 ~~successfully completed not less than 10 hours of continuing~~
19 ~~education during the 2-year period preceding the issuance of the~~
20 ~~license. Beginning January 1, 2010, a~~ A person is not eligible to
21 renew a servicing license unless the person has successfully
22 completed not less than ~~30~~ 15 hours of continuing education during
23 the 5-year period preceding the issuance of the license.

24 (3) Before offering or conducting a course of study
25 represented to meet the educational requirements of subsection (2),
26 a person shall obtain approval from the department. The department
27 may suspend or revoke the approval of a person to offer or conduct

1 a course of study to meet the requirements of subsection (2) for a
2 violation of this part or of the rules promulgated under this part.

3 (4) If an applicant or licensee is a corporation, partnership,
4 or other legal entity, the applicant or licensee shall designate a
5 responsible agent to fulfill the requirements of ~~subsections (2)~~
6 ~~and (3)~~. **SUBSECTION (2)**. The responsible agent's name shall appear
7 on any license or permit required under this part.

8 (5) A person engaged in servicing shall maintain at all times
9 at his or her place of business a complete record of the amount of
10 septage waste that the person has transported or disposed of, the
11 location at which septage waste was disposed of, and any complaints
12 received concerning disposal of the septage waste. The person shall
13 also report this information to the department on an annual basis
14 in a manner required by the department.

15 (6) A person engaged in servicing shall maintain records
16 required under subsection (5) or 40 CFR part 503 for at least 5
17 years. A person engaged in servicing or an individual who actually
18 applies septage waste to land, as applicable, shall display these
19 records upon the request of the director, a peace officer, or an
20 official of a certified health department.

21 Sec. 11717. (1) There is created in the state treasury a
22 septage waste site contingency fund. Interest earned by the septage
23 waste **SITE** contingency fund shall remain in the septage waste **SITE**
24 contingency fund unless expended as provided in subsection (2).

25 (2) The department shall expend money from the septage waste
26 **SITE** contingency fund, upon appropriation, only to defray costs of
27 the ~~continuing~~ education courses under section 11703 that would

1 otherwise be paid by persons taking the courses.

2 (3) The septage waste program fund is created within the state
3 treasury.

4 (4) Fees and interest on fees collected under this part shall
5 be deposited in the **SEPTAGE WASTE PROGRAM** fund. ~~In addition,~~
6 ~~promptly after the effective date of the 2004 amendatory act that~~
7 ~~amended this section, the state treasurer shall transfer to the~~
8 ~~septage waste program fund all the money in the septage waste~~
9 ~~compliance fund.~~ The state treasurer may receive money or other
10 assets from any other source for deposit into the **SEPTAGE WASTE**
11 **PROGRAM** fund. The state treasurer shall direct the investment of
12 the **SEPTAGE WASTE PROGRAM** fund. The state treasurer shall credit to
13 the **SEPTAGE WASTE PROGRAM** fund interest and earnings from fund
14 investments.

15 (5) Money in the **SEPTAGE WASTE PROGRAM** fund at the close of
16 the fiscal year shall remain in the fund and shall not lapse to the
17 general fund.

18 (6) The department shall expend money from the **SEPTAGE WASTE**
19 **PROGRAM** fund, upon appropriation, only for the enforcement and
20 administration of this part, including, but not limited to,
21 compensation to certified health departments or third parties
22 carrying out certain powers and duties of the department under
23 section 11716.

24 Sec. 11718. (1) The department shall promulgate rules that
25 establish both of the following:

26 (a) Continuing education requirements under section
27 ~~11706-11703.~~

1 (b) Design and operating requirements for receiving
2 facilities, as provided in section 11715b.

3 (2) The department may, in addition, promulgate rules that do
4 1 or more of the following:

5 (a) Add other materials and substances to the definition of
6 septage waste.

7 (b) Add enclosures to the list of enclosures in the definition
8 of **FOOD ESTABLISHMENT SEPTAGE OR DOMESTIC** septage ~~waste~~—under
9 section 11701 the servicing of which requires a septage waste
10 servicing license under this part.

11 (c) Specify information required on an application for a
12 septage waste servicing license, septage waste vehicle license, or
13 site permit.

14 (d) Establish standards or procedures for a department
15 declaration under section 11708 that a wastewater treatment plant
16 or structure is unavailable as a receiving facility because of
17 excessive hydraulic or organic loading, odor problems, or other
18 factors.

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.