

SENATE BILL NO. 313

May 09, 2019, Introduced by Senator ALEXANDER and referred to the Committee on Environmental Quality.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 20114b (MCL 324.20114b), as added by 2010 PA
228.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20114b. (1) Subject to section 20114(1)(h), a person
2 undertaking response activity under this part may submit to the
3 department a response activity plan that includes a request for

1 department approval of 1 or more aspects of response activity.

2 (2) A person ~~who~~**that** submits a response activity plan under
3 this section and ~~who~~**that** is not subject to an administrative order
4 or agreement or judicial decree that requires prior department
5 approval of response activity shall submit a response activity plan
6 review request form with the response activity plan. The department
7 shall specify the required content of the response activity request
8 form and make the form available on the department's website.

9 (3) Upon receipt of a response activity plan submitted for
10 approval under this subsection, the department shall approve,
11 approve with conditions, or deny the response activity plan, or
12 shall notify the submitter that the plan does not contain
13 sufficient information for the department to make a decision. The
14 department shall provide its determination within 150 days after
15 the plan was received by the department unless the plan requires
16 public participation under section 20120d(2). If the plan requires
17 public participation under section 20120d(2), the department shall
18 respond within 180 days. If the department's response is that the
19 plan does not include sufficient information, the department shall
20 identify the information that is required for the department to
21 make a decision. If a plan is approved with conditions, the
22 department's approval shall state with specificity the conditions
23 of the approval. If the plan is denied, the department's denial
24 shall, to the extent practical, state with specificity all of the
25 reasons for denial.

26 ~~(4) If the department fails to provide a written response~~
27 ~~within the time frames required by subsection (3), the response~~
28 ~~activity plan is considered approved.~~ If the department denies a
29 response activity plan under subsection (3), a person may

1 subsequently revise and resubmit the response activity plan for
2 approval.

3 (5) Any time frame required by this section may be extended by
4 mutual agreement of the department and a person submitting a
5 response activity plan. An agreement extending a time frame shall
6 be in writing.

7 (6) A person requesting approval of a response activity plan
8 may appeal the department's decision in accordance with section
9 20114e, if applicable.