

HOUSE BILL NO. 5917

September 11, 2024, Introduced by Reps. St. Germaine, Jaime Greene, DeBoyer, Aragona, Kuhn, Steele, Harris, Martin and Wozniak 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,"
by amending section 3112 (MCL 324.3112), as amended by 2018 PA 667.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3112. (1) A person shall not discharge any waste or waste
2 effluent into the waters of ~~this~~**the** state unless the person is in
3 possession of a valid permit from the department.

4 (2) An application for a permit under subsection (1) ~~shall~~
5 **must** be submitted to the department. ~~Within~~**Beginning January 1,**

1 2025, an application for a permit must include documentation, as
2 approved by the department, that demonstrates that the person
3 applying for the permit requested and received permission from a
4 contiguous county that would be impacted by a discharge authorized
5 by a permit under subsection (1). The permission required under
6 this subsection must be in the form of a resolution adopted by the
7 county board of commissioners for the contiguous county. **Not later**
8 **than** 30 days after an application for a new or increased use is
9 received, the department shall determine whether the application is
10 administratively complete. ~~Within~~ **Not later than** 90 days after an
11 application for reissuance of a permit is received, the department
12 shall determine whether the application is administratively
13 complete. If the department determines that an application is not
14 complete, the department shall notify the applicant in writing
15 within the applicable time period. If the department does not make
16 a determination as to whether the application is complete within
17 the applicable time period, the application shall be considered to
18 be complete. **If the department determines that an applicant did not**
19 **receive permission from a contiguous county the department shall**
20 **deny the application for a permit and notify the applicant in**
21 **writing.**

22 (3) The department shall condition the continued validity of a
23 permit ~~upon~~ **on** the permittee's meeting the effluent requirements
24 that the department considers necessary to prevent unlawful
25 pollution by the dates that the department considers to be
26 reasonable and necessary and to ensure compliance with applicable
27 federal law. If the department finds that the terms of a permit
28 have been, are being, or may be violated, it may modify, suspend,
29 or revoke the permit or grant the permittee a reasonable period of

1 time in which to comply with the permit. The department may reissue
2 a revoked permit ~~upon~~**on** a showing satisfactory to the department
3 that the permittee has corrected the violation. A person ~~who~~**that**
4 has had a permit revoked may apply for a new permit.

5 (4) If the department determines that a person is causing or
6 is about to cause unlawful pollution of the waters of ~~this~~**the**
7 state, the department may notify the alleged offender of its
8 determination and enter an order requiring the person to abate the
9 pollution or may refer the matter to the attorney general for legal
10 action, or both.

11 (5) A person ~~who~~**that** is aggrieved by an order of abatement of
12 the department or by the reissuance, modification, suspension, or
13 revocation of an existing permit of the department executed
14 ~~pursuant to~~**in accordance with** this section may file a sworn
15 petition with the department setting forth the grounds and reasons
16 for the complaint and requesting a contested case hearing on the
17 matter ~~pursuant to~~**under** the administrative procedures act of 1969,
18 1969 PA 306, MCL 24.201 to 24.328. ~~A~~**The department may reject a**
19 petition filed more than 60 days after action on the order or
20 permit ~~may be rejected by the department~~ as being untimely.

21 (6) All oceangoing vessels engaging in port operations in this
22 state shall obtain a permit from the department. The department
23 shall issue a permit for an oceangoing vessel only if the applicant
24 can demonstrate that the oceangoing vessel complies with 33 CFR
25 151.1510, as then in effect, or the oceangoing vessel will utilize
26 environmentally sound technology and methods approved by the
27 department that prevent the discharge of aquatic nuisance species.
28 However, all of the following ~~shall~~ apply:

29 (a) The grant by the coast guard of an extension to the

1 implementation schedule under 33 CFR 151.1513, ~~or~~ the exchange of
2 ballast water under 33 CFR 151.1510(a)(1), or saltwater flushing
3 under 33 CFR 401.30 alone is not considered compliance with the
4 federal aquatic nuisance rule for the purposes of this section.

5 (b) A vessel discharging ballast water must employ a ballast
6 water management system approved pursuant to 33 CFR ~~151.1510(A)(3)~~
7 **151.1510(a)(3)** or a ballast water treatment method approved by the
8 department.

9 (c) A vessel must carry out an exchange of ballast water or
10 saltwater flushing and comply with other applicable requirements of
11 33 CFR part 151, subpart C, and 33 CFR 401.30.

12 (d) A vessel using water from a public water system under 33
13 CFR 151.1510(a)(4) ~~shall~~ **must** utilize a method to sufficiently
14 clean ballast water tanks ~~prior to~~ **before** using water from a public
15 water supply system as ballast water as approved by the department.

16 (e) A discharge that may cause or contribute to a violation of
17 a water quality standard is not authorized by a permit described in
18 this subsection.

19 (f) If the federal aquatic nuisance rule is amended after ~~the~~
20 ~~enactment date of the 2018 amendatory act that added subsection~~
21 ~~(7),~~ **December 28, 2018**, and the director determines that the
22 amended version of the federal aquatic nuisance rule is less
23 protective of the waters of ~~this~~ **the** state from aquatic nuisance
24 species, the applicant shall demonstrate that the oceangoing vessel
25 complies with the federal aquatic nuisance rule as in effect
26 immediately before the effective date of that amendment to the
27 federal aquatic nuisance rule.

28 (g) If ~~pursuant to~~ **in accordance with** a compact of Great Lakes
29 states of which this state is a part, this state adopts standards

1 more protective of the waters of ~~this~~**the** state from aquatic
2 nuisance species than the version of the federal aquatic nuisance
3 rule otherwise applicable under this subsection, the standards
4 adopted ~~pursuant to~~**in accordance with** the compact apply.

5 (7) The intent of the legislature in adopting in part the
6 federal aquatic nuisance rule by reference is to help harmonize
7 regulatory programs in Great Lakes states for preventing the
8 introduction and spread of aquatic nuisance species in the Great
9 Lakes, including ballast water management programs, and to allow
10 regulatory agencies to cooperate in developing stronger programs.

11 (8) Permit fees for permits under subsection (6) ~~shall~~**must** be
12 assessed as provided in section 3120. The permit fees for an
13 individual permit issued under subsection (6) are the fees
14 specified in section 3120(1)(a) and (5)(a). The permit fees for a
15 general permit issued under subsection (6) are the fees specified
16 in section 3120(1)(c) and (5)(b)(i). Permits under subsection (6)
17 ~~shall~~**must** be issued in accordance with the timelines provided in
18 section 3120. The department may promulgate rules to implement
19 subsections (6) to (8).

20 (9) As used in this section, "federal aquatic nuisance rule"
21 means 33 CFR part 151, subpart C, and applicable requirements of 33
22 CFR 151.2050, 151.2060, and 151.2070.