

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.3110 Waste treatment facilities of industrial or commercial entity; exception; examination and certification of supervisory personnel; training program; fees; failure to pay fee; continuing education programs; reports; false statement; applicability of section.

Sec. 3110.

(1) Each industrial or commercial entity, other than a concentrated animal feed operation, that discharges liquid wastes into any surface water or groundwater or underground or on the ground other than through a public sanitary sewer shall have waste treatment or control facilities under the specific supervision and control of individuals who are certified by the department as properly qualified to operate the facilities. The department shall examine all supervisory personnel having supervision and control of the facilities, other than a concentrated animal feed operation, and certify that the individuals are properly qualified to operate or supervise the facilities.

(2) The department may conduct a program for training individuals seeking to be certified as operators or supervisors under subsection (1), section 4104, or section 9 of the safe drinking water act, 1976 PA 399, MCL 325.1009. Until October 1, 2025, the department may charge a fee based on the costs to the department of operating this training program. The fees must be deposited into the operator training and certification fund created in section 3134.

(3) The department shall administer certification operator programs for individuals seeking to be certified as operators or supervisors under subsection (1), section 4104, or section 9 of the safe drinking water act, 1976 PA 399, MCL 325.1009. An individual that wishes to become certified as an operator or a supervisor shall submit an application to the department that contains the information required by the department. Information submitted as part of the application must be considered part of the examination for certification. Until October 1, 2025, the department may charge a certification examination fee and a certification renewal fee in accordance with the following fee schedule:

(a) For certification examinations under subsection (1), the following fees apply:

(i) Industrial wastewater certification level 1 or 2 examination as described under subrule (2) of R 323.1253 of the Michigan Administrative Code, \$35.00.

(ii) Industrial wastewater certification level 3 examination as described under subrule (2) of R 323.1253 of the Michigan Administrative Code, \$40.00.

(iii) Industrial wastewater special classification A-1a examination or noncontact cooling water A-1h examination as described under subrule (2) of R 323.1253 of the Michigan Administrative Code, \$30.00.

(iv) Stormwater industrial certification A-1i examination as described under subrule (2) of R 323.1253 of the Michigan Administrative Code, \$30.00.

(b) For certification examinations under section 4104, the following fees apply:

(i) Municipal wastewater certification level A, B, C, or D examination as described under subrule (1) of R 299.2911 of the Michigan Administrative Code, \$70.00.

(ii) Municipal wastewater certification level L2 examination as described under subrule (3)(a) of R 299.2911 of the Michigan Administrative Code, \$45.00.

(iii) Municipal wastewater certification level L1 examination as described under subrule (3)(b) of R 299.2911 of the Michigan Administrative Code, \$45.00.

(iv) Municipal wastewater certification level SC examination as described under subrule (4) of R 299.2911 of the Michigan Administrative Code, \$45.00.

(c) For certification examinations under section 9 of the safe drinking water act, 1976 PA 399, MCL 325.1009, for operators of the following systems, the following fees apply:

(i) Drinking water complete treatment system classes F-1, F-2, F-3, or F-4 as described under subrule (1) of R 325.11901 of the Michigan Administrative Code, \$70.00.

(ii) Drinking water limited treatment system classes D-1, D-2, D-3, or D-4 as described under subrule (2) of R 325.11901 of the Michigan Administrative Code, \$70.00.

(iii) Drinking water distribution system classes S-1, S-2, S-3, or S-4 as described under R 325.11902 of the Michigan Administrative Code, \$70.00.

(iv) Drinking water complete treatment system class F-5 as described under subrule (1) of R 325.11901 of the Michigan Administrative Code, \$45.00.

(v) Drinking water limited treatment system class D-5 as described under subrule (2) of R 325.11901 of the Michigan Administrative Code, \$45.00.

(vi) Drinking water distribution system class S-5 as described under R 325.11902 of the Michigan Administrative Code, \$45.00.

(d) For certification renewals under subsection (1), the following fees apply:

- (i) Stormwater industrial certification A-1i as described under subrule (2) of R 323.1253 of the Michigan Administrative Code, \$95.00.
- (ii) Stormwater construction certification A-1j as described under subrule (2) of R 323.1253 of the Michigan Administrative Code, \$95.00.
- (iii) All other industrial wastewater certification levels 1, 2, or 3 as described under subrule (2) of R 323.1253 of the Michigan Administrative Code and issued on a single certificate, \$95.00.
- (e) For certification renewals under section 4104 for all municipal wastewater certification levels as described under R 299.2911 of the Michigan Administrative Code and issued on a single certificate, \$95.00.
- (f) For certification renewals under section 9 of the safe drinking water act, 1976 PA 399, MCL 325.1009, for all drinking water certification levels as described under R 325.11901 or R 325.11902 of the Michigan Administrative Code and issued on a single certificate, \$95.00.
- (4) The failure to pay a required certification examination fee within 90 days after taking an examination is considered failure of the examination. The department shall not allow an individual to take a future examination within the failed examination program unless he or she pays the prior fee in full.
- (5) The department shall conduct a program for persons or organizations seeking to offer approved continuing education courses to be used by certified operators and supervisors when renewing their certifications under subsection (1), section 4104, and section 9 of the safe drinking water act, 1976 PA 399, MCL 325.1009. The department may charge continuing education providers a course application fee and course renewal fee as provided in the following fee schedule:
 - (a) An application for approval of a training course, \$75.00 for each course.
 - (b) An application for renewal of an approved training course, \$50.00 for each course.
- (6) All fees collected under this section must be deposited in the operator training and certification fund created in section 3134.
- (7) An individual certified as required by subsection (1) shall file monthly, or at longer intervals as the department may designate, on forms provided by the department, reports showing the effectiveness of the treatment or control facility operation and the quantity and quality of discharged liquid wastes. If an individual knowingly makes a false statement in a report, the department may revoke his or her certificate as an approved treatment facility operator.
- (8) This section does not apply to water, gas, or other material that is injected into a well to facilitate production of oil or gas or to water derived in association with oil or gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes and is under permit by the state supervisor of wells.

History: 1994, Act 451, Eff. Mar. 30, 1995 ;-- Am. 2011, Act 148, Imd. Eff. Sept. 21, 2011 ;-- Am. 2017, Act 90, Imd. Eff. July 12, 2017 ;-- Am. 2021, Act 91, Imd. Eff. Oct. 20, 2021

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