

Act No. 148
Public Acts of 2011
Approved by the Governor
September 20, 2011
Filed with the Secretary of State
September 21, 2011
EFFECTIVE DATE: September 21, 2011

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

Introduced by Senator Kahn

ENROLLED SENATE BILL No. 448

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 3110 and 4104 (MCL 324.3110 and 324.4104) and by adding section 3134.

The People of the State of Michigan enact:

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 persons who have been 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 persons are properly qualified to operate or supervise the facilities.

(2) The department may conduct a program for training persons 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, 2017, the department may charge a fee based on the costs to the department of operating this training program. The fees shall be deposited into the operator training and certification fund created in section 3134.

(3) The department shall administer certification operator programs for persons 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. A person wishing to become certified as an operator or a supervisor shall submit an application to the department containing information required by the department. Information submitted as part of the application shall be considered part of the examination for certification. Until October 1, 2017, 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) Storm water 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 (3a) of R 299.2911 of the Michigan administrative code, \$45.00.

(iii) Municipal wastewater certification level L1 examination as described under subrule (3b) 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, the following fees apply:

(i) Drinking water complete treatment certification level 1, 2, 3, or 4 examination as described under subrule (1) of R 325.11901 of the Michigan administrative code, \$70.00.

(ii) Drinking water limited treatment certification level 1, 2, 3, or 4 examination as described under subrule (2) of R 325.11901 of the Michigan administrative code, \$70.00.

(iii) Drinking water distribution certification level 1, 2, 3, or 4 examination as described under R 325.11902 of the Michigan administrative code, \$70.00.

(iv) Drinking water complete treatment certification level 5 examination as described under subrule (1) of R 325.11901 of the Michigan administrative code, \$45.00.

(v) Drinking water limited treatment certification level 5 examination as described under subrule (2) of R 325.11901 of the Michigan administrative code, \$45.00.

(vi) Drinking water distribution certification level 5 examination 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) Storm water industrial certification A-1i as described under subrule (2) of R 323.1253 of the Michigan administrative code, \$95.00.

(ii) Storm water 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 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 shall constitute 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 in accordance with 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 shall be deposited in the operator training and certification fund established in section 3134.

(7) A person certified as required by subsection (1) shall file monthly, or at such 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. A person who knowingly makes a false statement in a report may have his or her certificate as an approved treatment facility operator revoked.

(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.

Sec. 3134. (1) The operator training and certification fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall be the administrator of the fund for auditing purposes.

(5) The department shall expend money from the fund, upon appropriation, only to administer this part, part 41, and the safe drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023, including all of the following:

(a) Licensing, examination, compliance assistance, education, training, and other certification activities directly related to this part, part 41, and the safe drinking water act, 1976 PA 399, MCL 325.1001 to 325.1023.

(b) Maintenance of program data.

(c) Development of program-related databases and software.

(d) Program administration activities.

(6) By January 1 of each year until January 1, 2017, the department shall prepare and submit to the governor, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations to the department a report that details the department's administration of the operator training and certification program under section 3110, section 4104, and section 9 of the safe drinking water act, 1976 PA 399, MCL 325.1009, in the previous fiscal year. This report shall include, at a minimum, all of the following as itemized for each operator training and certification program:

(a) The type and number of training programs offered by the department, including the total number of participants in each type of training program.

(b) The type and number of certification exams given.

(c) The type and number of certifications awarded.

(d) The amount of revenue in the fund at the end of the fiscal year.

Sec. 4104. (1) The department may promulgate and enforce rules as the department considers necessary governing and providing a method of conducting and operating all or a part of sewerage systems including sewage treatment works. The department shall classify sewage treatment works with regard to size, type, location, and other physical conditions affecting those works and according to the skill, knowledge, experience, and character that the person who is in charge of the active operation of the sewage treatment works has to possess in order to successfully operate the works, to prevent the discharge of deleterious matter capable of being injurious to the health of the people, or to other public interests. The department shall examine or provide for the examination of persons as to their qualifications to operate sewage treatment works. The department shall promulgate rules regarding the classification of sewage treatment works, the examinations for certification of operators for those works, and the issuance and revocation of certificates, and shall issue and revoke certificates in accordance with those rules. Every sewage treatment works subject to this part shall be under the supervision of a properly certified operator, except that this section does not require the employment of a certified operator in a waste treatment works that receives only wastes that are not potentially prejudicial to the public health.

(2) In accordance with section 3110, the department may conduct a program for training persons seeking to be certified as operators under subsection (1) and shall administer operator certification programs for persons seeking to be certified as operators under subsection (1). Until October 1, 2017, the department may charge fees for these programs in accordance with section 3110. The department shall transmit fees collected under this section to the state treasurer for deposit into the operator training and certification fund created in section 3134.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor