

Part 31 of the NREPA and Water Bureau Programs

Many sections in Part 31, Water Resources Protection, of the (NREPA) Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, relate to Water Bureau programs. Many of these sections are the basis for the wastewater discharge and water pollution control programs administered by the Water Bureau:

Relevant sections¹ for Water Bureau programs include:

[Section 3101](#) definitions are provided for programs administered under Part 31.

[Section 3103](#) allows the DEQ to initiate water quality studies and assigns general and administrative duties of water pollution control to the department. This section (along with Sections 3104 and 3106) provide basis for implementing federal programs under the [Clean Water Act](#) such as Industrial Pretreatment ([Part 23 Rules](#)), Water Quality-Based Effluent Limit Development for Toxic Substances ([Part 8 Rules](#)); and Land Application of Biosolids ([Part 24 Rules](#)). This section also limits the DEQ's ability to promulgate new rules under Part 31 after December 2006.

[Section 3104](#) designates DEQ as the agency responsible for cooperation with other units of government, provides DEQ with the ability to follow Federal Clean Water Act requirements and provides for the State's new permitting of ballast water.

[Section 3105](#) allows staff to enter properties for inspections.

[Section 3106](#) provides the ability to issue permits and to promulgate the Water Quality Standards ([Part 4 Rules](#)). The purpose of the rules is to establish water quality requirements applicable to surface waters of the state. This section provides some broad authority to the DEQ for water pollution control and prevention. It also provides the ability to regulate the storage of waste ([Part 5 Rules](#)).

[Section 3109](#) is the basis for DEQ to take action for spills (non-permitted releases). It is a prohibition against discharging any substance that can impair specific uses made of the waters. This section serves as additional basis for promulgation of water quality standards (Part 4 Rules) and setting permit conditions in National Pollutant Discharge Elimination System (NPDES) permits. This section also sets forth liability to municipalities for the discharge of raw sewage.

[Section 3110](#) requires commercial and industrial wastewater facilities to be under the control of a certified wastewater operator.

¹ Sections are referenced by section number. When officially referencing sections, it is useful to use the numbering system of the Michigan Compiled Laws (MCL). For this numbering system, (for sections in NREPA), add the prefix "324." and then place in the section number. For example, Section 3103 would be 324.3103 in the compilation (MCL 324.3103).

[Section 3111b](#) requires reporting to 911 for spills that are required to be reported under Spillage of Oil and Polluting Materials ([Part 5 Rules](#)).

[Section 3112](#) requires wastewater discharges to waters of the state be authorized by a permit from the DEQ. This is the basis for the NPDES and Groundwater Discharge Permit programs. The Wastewater Discharge Permits ([Part 21 Rules](#)) provide procedures for the NPDES permit program; the Groundwater Quality ([Part 22 Rules](#)) provide the specificity to the Groundwater Discharge Permit program. This section also provides the basis for issuance of Director's Final Orders and options for addressing permit violations (such as revoking permits). In addition, it allows aggrieved parties to file a contested case hearing on reissued wastewater discharge permits and Director's Final Orders.

[Section 3112a](#) requires municipalities to report sewage releases from sewage systems; it also adds details to these requirements.

[Section 3112b](#) enables the DEQ to include in an NPDES permit condition for disconnection of eaves troughs and downspouts into Combined Sewer Systems.

[Section 3112c](#) requires the DEQ to track Combined Sewer Overflow and Sanitary Sewer Overflow (CSO and SSO) releases and to prepare an [Annual Report](#) of these releases.

[Section 3113](#) requires "new and increased uses" (new wastewater permit applicants) to submit applications, and allows for any person to file a contested case hearing on a final permit decision (i.e., issuance or denial).

[Section 3115](#) sets forth the enforcement provisions for noncompliance with Part 31.

[Section 3118](#) contains the fees in the NPDES, Storm Water Program; [Section 3119](#) creates the Storm Water Fund for program administration.

[Section 3120](#) contains the NPDES permit application fees; [Section 3121](#) creates the NPDES fund for program administration.

[Section 3122](#) contains the annual Groundwater Discharge permit fees and sets forth a 180-day time period for issuance/denial of a permit (Expires October 2007).

[Section 3122a](#) sets up a Groundwater Discharge permit annual fee credit system, to be implemented if the department collects over \$2,000,000 in a fiscal year from annual Groundwater Discharge permit fees.

[Section 3123](#) specifies timelines for annual Groundwater Discharge permit fee billing, and sets forth penalty provisions for failure to pay.

[Section 3124](#) creates the Groundwater Discharge Fund for program administration, includes a program reporting requirement to the Legislature.

[Section 3131](#) provides for the promulgation of Septage rules for protection of waters.

[Section 3132](#) contains the annual land application fees and creation of the sewage sludge land application fund for administration of components of the Septage program. It also enables local units of government to adopt ordinances for prohibition of land application based upon monitoring results.

[Section 3133](#) specifies responsibilities of the local units of government related to the Septage program.

The remaining sections of Part 31 are general or more so administered by other regulatory divisions and offices of MDEQ. These are identified in the table below:

Section	Division or Office
Section 3102	General Implementation Direction
Section 3107	Land and Water Management Division
Section 3108	Land and Water Management Division
Section 3111	Environmental Science and Services Division
Section 3114	Office of Criminal Investigations
Section 3116	General, Construction of Part 31
Section 3117	General, Supplemental Construction of Part 31

For more information as to the basic function of State Government as related to laws and rules, review the DEQ [Public Involvement Handbook](#), A Citizen's Guide.

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