

DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SCIENCE AND SERVICES DIVISION

CLEAN CORPORATE CITIZEN PROGRAM

(By authority conferred on the director of the department of environmental quality by sections 501, 502, and 503 of 1994 PA 451 and Executive Reorganization Order No. 1995-16, MCL 324.501, 324.502, 324.503, and 324.99903)

CLEAN CORPORATE CITIZEN PROGRAM

R 324.1501 Definitions.

Rule 1501. As used in this part:

(a) "Applicable federal environmental requirements" means the Federal Water Pollution Control Act, 33 USC 1251 et seq., the Clean Air Act, 42 USC 7401 et seq., the Resource Conservation and Recovery Act, 42 USC 6901 et seq., and the Comprehensive Environmental Response, Compensation, and Liability Act, 42 USC 9601 et seq.

(b) "Applicable state environmental requirements" means article II and chapters 1 and 3 of article III of 1994 PA 451, MCL 324.3101 to 324.21551, 324.30101 to 324.36507, and 324.60101 to 324.64111, 1976 PA 399, MCL 325.1001 to 325.1023, parts 135 and 138 of 1978 PA 368, MCL 333.13501 to 333.13536 and 333.13801 to 333.13831, the administrative rules promulgated under article II and chapters 1 and 3 of article III of 1994 PA 451, 1976 PA 399, parts 135 and 138 of 1978 PA 368, and permits, orders, and other legally binding documents issued under article II and chapters 1 and 3 of article III, 1976 PA 399, and parts 135 and 138 of 1978 PA 368.

(c) "Clean corporate citizen" means a person who operates an establishment that has demonstrated environmental stewardship and a strong environmental ethic by meeting the criteria in this part and who has been designated a clean corporate citizen by the department.

(d) "Department" means the department of environmental quality.

(e) "Director" means the director of the department of environmental quality or his or her designee.

(f) "Environmental management system" means the part of an overall management system that addresses environmental concerns through the allocation of resources, assignment of responsibilities, and ongoing evaluation of practices, procedures, and processes to achieve sound environmental performance.

(g) "Environmental media" means the air, water, or land medium that is impacted, or would have been impacted, by a waste.

(h) "Establishment" means any of the following that operates in accordance with or under the jurisdiction of applicable environmental requirements:

(i) A stationary source.

(ii) A location.

(iii) A public institution.

(iv) A municipal, commercial, industrial, or other business facility.

(i) "ISO 14001:2004" means the standard adopted by the international organization for standardization to prescribe uniform requirements for the purpose of certification or registration of an environmental management system. The provisions of the ISO 14001:2004 standard are adopted by reference as part of these rules. The ISO 14001:2004 standard is available for inspection at the office of the Department of Environmental Quality, Environmental Science and Services Division, 525 West Allegan, Lansing, Michigan 48933. Copies of the ISO 14001:2004 standard are available from the American National Standards Institute, 25 West 43rd Street, 4th floor, New York, New York 10036, for \$82.00, the cost at the time of the adoption of these rules.

(j) "Pollution prevention" means eliminating or minimizing the initial generation of waste at the source or utilizing environmentally sound on-site and off-site reuse or recycling. Waste treatment, release, or disposal is not considered pollution prevention.

(k) "Responsible official" means an individual, who has the authority to sign and certify to, on behalf of an applicant for a clean corporate citizen designation, the truth, accuracy, and completeness of the application and annual report.

(l) "Supplemental environmental project" or "SEP" means an environmentally beneficial project that an alleged violator agrees to undertake in settlement of an enforcement action, but which the alleged violator is not otherwise legally required to perform.

(m) "Violation notice" means any written notice or formal enforcement action by the department in response to a violation of an applicable state environmental requirement. Voluntary disclosures made under part 148 of 1994 PA 451, do not constitute a violation notice.

(n) "Waste" means all environmental pollutants, wastes, discharges, and emissions, regardless of how they are regulated and regardless of whether they are released to the general environment or the workplace environment.

History: 2000 AACS; 2006 AACS.

R 324.1502 Purpose.

Rule 1502. The purpose of this part is to establish the Michigan clean corporate citizen program, including the criteria to be met and the procedures to be followed for a person to be designated a clean corporate citizen and the benefits available to a designated clean corporate citizen. Nothing in this rule authorizes any violation of state or federal law, rule, or regulation.

History: 2000 MR 3, Eff. Mar. 24, 2000.

R 324.1503 Applicability.

Rule 1503. (1) This part applies to a person who operates an establishment in Michigan and who voluntarily seeks a clean corporate citizen designation.

(2) This part does not apply to an establishment under any of the following conditions:

(a) Has been convicted of a criminal violation of applicable state environmental requirements within a 10-year period before filing the initial clean corporate citizen application.

(b) Has been assessed by a court of appropriate jurisdiction a civil fine, penalty, or damages of \$10,000.00 or more for violation of applicable state environmental requirements within a 3-year period before filing the initial clean corporate citizen application.

(c) Has been found, by a court of appropriate jurisdiction, to have been responsible for an illegal action that caused substantial endangerment to the public health, safety, or welfare or to the environment within a 10-year period before filing the initial clean corporate citizen application.

(d) Has been assessed by the department or paid through entry of a judicial consent decree or administrative consent order, a monetary fine, penalty, or damages of \$25,000.00 or more, including the amount of any supplemental environmental project or projects used to offset a monetary fine or penalty, for a violation of applicable state environmental requirements that occurred within a 3-year period before filing the initial clean corporate citizen application.

History: 2000 AACS; 2006 AACS.

R 324.1504 Clean corporate citizen criteria.

Rule 1504. To qualify for and maintain a designation as a clean corporate citizen for a single establishment, a person shall operate the establishment in Michigan and meet the criteria in R 324.1503, R 324.1505, R 324.1506, R 324.1507, and R 324.1508.

History: 2000 AACS; 2006 AACS.

R 324.1505 Environmental management system.

Rule 1505. (1) A clean corporate citizen shall have in place, and operate the clean corporate citizen's establishment in accordance with, an environmental management system which systematically addresses environmental concerns, environmental improvements, and which is integrated into the clean corporate citizen's overall management structure as specified in this rule.

(2) A clean corporate citizen meets the environmental management system requirements by complying with any of the following provisions:

(a) Registration or certification under an environmental management standard, such as ISO 14001:2004, that is approved by the director.

(b) Development, implementation, and maintenance of a written environmental management system consistent with the requirements of the ISO 14001:2004 standard, and which is appropriate to the nature, scale, and potential environmental impact of the operation.

(c) Adoption and maintenance of an environmental management system, approved by the director, applicable to a specific group or classification of establishments. An environmental management system developed in accordance with this rule shall be consistent with the requirements of the ISO 14001:2004 standard, and be appropriate to the nature, scale, and potential environmental impact of the operation.

History: 2000 AACS; 2006 AACS.

R 324.1506 Pollution prevention.

Rule 1506. (1) A clean corporate citizen shall develop and implement an effective pollution prevention program as specified in this rule.

(2) A clean corporate citizen meets the pollution prevention program requirements by complying with both of the following provisions:

(a) Adopting, in the form of a written policy, the clean corporate citizen's philosophy of pollution prevention that promotes all of the following:

(i) The elimination or reduction of waste at the source of generation.

(ii) The reuse of waste, including the purchasing of recycled materials.

(iii) Environmentally sound on-site and off-site recycling.

(b) Establishing and maintaining an establishment-specific pollution prevention program under which the clean corporate citizen shall do all of the following:

(i) Adopt and post a pollution prevention policy or equivalent, as required in subdivision (a) of this subrule, that is signed by a responsible official.

(ii) Conduct periodic pollution prevention assessments that identify opportunities for eliminating waste at the source, reuse, and recycling.

(iii) Establish pollution prevention goals that specify the environmental media and types of pollution to be prevented or reduced, implementation activities, and projected time frames.

(iv) Record and maintain reports to demonstrate progress on pollution prevention goal implementation.

(v) Encourage efforts to exchange pollution prevention technologies, such as any of the following:

(A) Attending or sponsoring workshops.

(B) Developing case studies.

(C) Establishing pollution prevention supplier networks.

(D) Providing the department with pollution prevention information for possible publication and dissemination.

(3) A clean corporate citizen may satisfy the provisions of subrule (2)(b) of this rule through formal participation and by being a member in good standing in a recognized department pollution prevention program.

History: 2000 AACS; 2006 AACS.

R 324.1507 Environmental compliance.

Rule 1507. (1) A clean corporate citizen shall comply with the applicable state environmental requirements and applicable federal environmental requirements as specified in this rule.

(2) To meet the environmental compliance requirement, a clean corporate citizen shall satisfy all of the following requirements:

(a) Provide to the department, as part of the clean corporate citizen application, a statement signed by a responsible official that he or she has reviewed the clean corporate citizen's compliance record and that, to the best of his or her knowledge, the clean corporate citizen is in compliance with all applicable state environmental requirements and applicable federal environmental requirements and has no outstanding unresolved past or current violations that have not been corrected or, in the case of renewal, resolved by the clean corporate citizen's adherence to a compliance schedule acceptable to the department to abate the violations.

(b) Have addressed any violation cited in a violation notice by resolving the violation, making a showing to the department that the violation did not occur, or in the case of renewal, adherence to a compliance schedule acceptable to the department to correct any violation specified in a violation notice issued by the department.

(c) Not have been found by the department to be in significant violation of environmental requirements established by a local unit of government.

(d) Not have been found by the department to be in significant violation of applicable federal environmental requirements established by the United States environmental protection agency.

(3) In the case of a change of ownership, the director may consider the environmental record of the new owner in determining whether the criteria in this rule are met.

History: 2000 AACCS; 2006 AACCS.

R 324.1508 Procedures for application.

Rule 1508. (1) A person operating an establishment in Michigan may apply for a clean corporate citizen designation. An applicant for a clean corporate citizen designation shall follow the procedures in this rule.

(2) Before submitting an application to the department, the applicant shall provide for a public review of the application and related documentation for a period of not less than 30 days. Public review shall, at a minimum, include posting a notice in a local newspaper of the applicant's intent to file the clean corporate citizen application and of the availability of the application and related documentation for public review. The application and related documentation shall be made available at a local public library or other public building for not less than 30 days. The public notice shall allow for comments to be made to the applicant or the department. The documentation provided for public review shall include all of the following information:

(a) A detailed summary for each element of the environmental management system that demonstrates achievement of the criteria in R 324.1505.

(b) A copy of the applicant's pollution prevention policy or equivalent and supporting information that demonstrates achievement of the pollution prevention criteria in R 324.1506.

(c) A copy of the signed statement of compliance in R 324.1507(2)(a).

(3) The applicant shall notify the department of its intention to submit an application for clean corporate citizen designation not less than 30 days before the end of the public review period.

(4) After the 30-day public review period, an applicant shall submit the application for a clean corporate citizen designation to the department, on a form provided by the department, together with the supporting documentation that meets the requirements of this rule.

(5) The application and supporting documentation shall include all of the following:

(a) A checklist of the documentation that has been assembled and made available for public review.

(b) A signed statement by the responsible official that the applicant meets the criteria in R 324.1503, R 324.1504, R 324.1505, R 324.1506, and R 324.1507.

(c) A detailed summary for each element of the environmental management system and demonstration of achievement of the environmental management system requirements in R 324.1505.

(d) The pollution prevention policy or equivalent and supporting information to demonstrate achievement of the pollution prevention requirements under R 324.1506.

(e) A combined list of the significant goals, objectives, and targets that are set in the environmental management system and the pollution prevention program.

(f) The certification of compliance as required by R 324.1507(2)(a).

(g) A listing of any criminal convictions or any civil fines, penalties, or damages assessed relative to applicable federal environmental requirements within a 3-year period before filing the initial clean corporate citizen application.

(h) A summary of public comment received by the applicant and the department during the public review period and the applicant's response to the public comments received.

(6) The department shall complete its initial review of the clean corporate citizen's application within 14 days of receipt of the application.

(7) The department shall publish, in the department calendar, a notice of receipt of the application and related documentation and of the availability of the application and related documentation for public review and comment not less than 30 days before the department makes a decision on the application.

(8) Within 60 days of receipt of a complete application, unless an extension of time is requested by the applicant, the department shall consider public comments, determine whether the criteria of these rules have been met, and notify the applicant, in writing, of the clean corporate citizen designation approval or disapproval.

(9) There is no formal appeal of the director's designation decision.

(10) A person operating an establishment in Michigan may reapply for clean corporate citizen designation at any time, in accordance with the applicability requirements in R 324.1503.

History: 2000 AACS; 2006 AACS.

R 324.1509. Procedures for retaining or terminating clean corporate citizen designation.

Rule 1509. (1) To retain a clean corporate citizen designation, a clean corporate citizen shall submit a renewal request, supporting information, and a certification that the clean corporate citizen is currently achieving the criteria in R 324.1505, R 324.1506, and R 324.1507 as follows:

(a) For a clean corporate citizen that is also certified under ISO 14001:2004, at least 30 days before the 3 year anniversary date of the current clean corporate citizen designation.

(b) For any other clean corporate citizen, at least 30 days before the 2 year anniversary date of the current clean corporate citizen designation.

(2) The supporting information specified in subrule (1) of this rule shall include an annual report summarizing the activities undertaken over the previous year to do all of the following and describing the status of the activities:

(a) Maintain and implement the environmental management system consistent with R 324.1505.

(b) Identify and implement pollution prevention activities consistent with R 324.1506.

(c) Set, revise, and implement goals, objectives, and targets, and the strategy the clean corporate citizen is employing to resolve any unmet goals, objectives, and targets in its environmental management system and pollution prevention program.

(3) A renewal request shall include a statement by the responsible official that the clean corporate citizen is in compliance with all applicable state environmental requirements and applicable federal environmental requirements, and has no outstanding unresolved violations, or is in compliance with a schedule acceptable to the department to correct any outstanding violations.

(4) The director shall terminate the clean corporate citizen designation if the director determines that any of the following provisions apply to the clean corporate citizen:

(a) The clean corporate citizen failed to maintain and implement an environmental management system as required under R 324.1505.

(b) The clean corporate citizen failed to maintain and implement a pollution prevention policy or equivalent and program consistent with the provisions of R 324.1506.

(c) The clean corporate citizen failed to meet the environmental compliance criteria of R 324.1507.

(d) If after the effective date of the current designation the clean corporate citizen:

(i) Has been convicted of a criminal violation of applicable state environmental requirements.

(ii) Has been assessed by a court of appropriate jurisdiction a civil fine, penalty, or damages of \$10,000.00 or more for violation of applicable state environmental requirements.

(iii) Has been found by a court of appropriate jurisdiction to have been responsible for an illegal action that caused substantial endangerment to the public health, safety, or welfare or to the environment.

(iv) Was found by the director to have failed to promptly and adequately correct and resolve a serious violation of applicable state environmental requirements or applicable federal environmental requirements.

(v) Has been assessed by the department or paid through entry of a judicial consent decree or administrative consent order, a monetary fine, penalty or damages of \$25,000 or more, including the amount of any supplemental environmental project or projects used to offset a monetary fine or penalty, for a violation of applicable state environmental requirements.

(5) The director shall advise a facility of his or her intent to terminate the clean corporate citizen designation not less than 30 days before terminating the designation.

(6) There is no formal appeal of the director's termination decision.

(7) A person operating an establishment in Michigan may reapply for clean corporate citizen designation at any time, in accordance with the applicability requirements in R 324.1503.

History: 2000 AACS; 2006 AACS.

R 324.1509a Annual reporting requirements.

Rule 1509a. (1) The clean corporate citizen shall submit an annual report not later than 30 days before the annual anniversary date of the current clean corporate designation, summarizing the activities undertaken over the past year to do the following:

(a) Identify and implement pollution prevention activities consistent with R 324.1506.

(b) Set, revise, and implement goals, objectives, and targets, and the strategy the clean corporate citizen is employing to resolve any unmet goals, objectives, and targets in its environmental management system and pollution prevention programs.

(2) The annual report shall also include a statement by the responsible official that the clean corporate citizen is in compliance with all applicable state environmental requirements and applicable federal environmental requirements and has no outstanding unresolved violations, or is in compliance with a schedule acceptable to the department to correct any outstanding violations.

History: 2006 AACS.

R 324.1510 Clean corporate citizen benefits.

Rule 1510. A designated clean corporate citizen qualifies for clean corporate citizen benefits set forth in rules promulgated under Act No. 399 of the Public Acts of 1976, as amended, being §§325.1001 to 325.1023 of the Michigan Compiled Laws, Act No. 368 of the Public Acts of 1978, as amended, being §§333.13501 to 333.13536 and 333.13801 to 333.13831 of the Michigan Compiled Laws, and Act No. 451 of the Public Acts of 1994, as amended, being §324.101 et seq. of the Michigan Compiled Laws.

History: 2000 AACS.

R 324.1511 Impact on benefits from termination of clean corporate citizen designation.

Rule 1511. Upon termination of a clean corporate citizen designation, all benefits provided to a former clean corporate citizen under R 324.1510 shall be terminated or restricted as provided in this part and as determined by the director.

History: 2000 AACS.