



HOUSE BILL No. 5487

December 14, 1995, Introduced by Rep. Llewellyn and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 30103 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," as added by Act No. 59 of the Public Acts of 1995, being section 324.30103 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 30103 of Act No. 451 of the Public Acts
2 of 1994, as added by Act No. 59 of the Public Acts of 1995, being
3 section 324.30103 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 30103. (1) A permit is not required for any of the
6 following:

7 (a) Any fill or structure existing before April 1, 1966, in
8 waters covered by former Act No. 291 of the Public Acts of 1965,
9 and any fill or structures existing before January 9, 1973, in

1 waters covered for the first time by former Act No. 346 of the
2 Public Acts of 1972.

3 (b) A seasonal structure placed on bottomland to facilitate
4 private noncommercial recreational use of the water if it does
5 not unreasonably interfere with the use of the water by others
6 entitled to use the water or interfere with water flow.

7 (c) Reasonable sanding of beaches to the existing water's
8 edge by a riparian owner.

9 (d) Construction or maintenance of a private agricultural
10 drain regardless of outlet.

11 (e) A waste collection or treatment facility that is
12 approved for construction by the department of public health or
13 ordered or approved by the department.

14 (f) Construction and maintenance of minor drainage struc-
15 tures and facilities which are identified by rule promulgated by
16 the department pursuant to section 30110(1). Before such a rule
17 is promulgated, the rule shall be approved by the majority of a
18 committee consisting of the director, the director of the depart-
19 ment of agriculture, and the director of the state transportation
20 department or their designated representatives. The initial
21 rules shall be issued before July 8, 1973, and shall be reviewed
22 at least annually after that date.

23 (g) Maintenance and improvement of all drains legally estab-
24 lished or constructed prior to January 1, 1973, pursuant to the
25 drain code of 1956, Act No. 40 of the Public Acts of 1956, being
26 sections 280.1 to 280.630 of the Michigan Compiled Laws, except
27 those legally established drains constituting mainstream portions

1 of certain natural watercourses identified in rules promulgated
2 by the department under section 30110.

3 (h) Projects constructed under the watershed protection and
4 flood prevention act, chapter 656, 68 Stat. 666, 16 U.S.C. 1001
5 to 1008 and 1010.

6 (i) Construction and maintenance of privately owned cooling
7 or storage ponds used in connection with a public utility except
8 at the interface with public waters.

9 (j) Maintenance of a structure constructed under a permit
10 issued pursuant to this part and identified by rule promulgated
11 under section 30110(1), if the maintenance is in place and in
12 kind with no design or materials modification.

13 (2) UNTIL JANUARY 1, 1998, A PERMIT SHALL NOT BE REQUIRED
14 UNDER THIS PART FOR THE REPAIR, RECONSTRUCTION, OR IMPROVEMENT OF
15 A DAM, A PORTION OF WHICH IS AT LEAST 75 YEARS OLD, WAS DAMAGED
16 OR DESTROYED BY AN ACT OF GOD AND IS LOCATED IN A COUNTY THAT HAS
17 A PER CAPITA INCOME OF LESS THAN \$8,500.00. HOWEVER, A PERSON
18 WHO IS PERFORMING A PROJECT FOR THE REPAIR, RECONSTRUCTION, OR
19 IMPROVEMENT OF A DAM THAT IS EXEMPT FROM OBTAINING A PERMIT UNDER
20 THIS SUBSECTION SHALL SUBMIT TO THE DEPARTMENT AND THE JOINT CAP-
21 ITAL OUTLAY COMMITTEE PLANS AND SPECIFICATIONS FOR THE PROJECT.
22 THESE PLANS AND SPECIFICATIONS SHALL BE PREPARED BY A LICENSED
23 PROFESSIONAL ENGINEER AND SHALL MEET ACCEPTABLE STANDARDS IN THE
24 INDUSTRY IN ORDER FOR A DAM TO BE REPAIRED, RECONSTRUCTED, OR
25 IMPROVED. IN REVIEWING PLANS AND SPECIFICATIONS FOR THE PROJECT,
26 THE JOINT CAPITAL OUTLAY COMMITTEE MAY RECOMMEND ENVIRONMENTAL
27 CONSIDERATIONS TO PROTECT WATER QUALITY SUCH AS UNDERSPILL

1 DEVICES, MINIMUM FLOW RELEASES AND REMOVAL OF CONTAMINATED
2 SEDIMENTS THAT MAY BE RESUSPENDED IN THE WATER COLUMN UPON
3 IMPOUNDMENT. SUCH CONTAMINATED SEDIMENTS SHALL BE DISPOSED OF IN
4 ACCORDANCE WITH STATE LAW.