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Senate Bill 436 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Senator Jud Gilbert, II

Committee: Economic Development and Regulatory Reform

## **CONTENT**

The bill would add Section 1313 to Part 13 (Permits) of the Natural Resources and Environmental Protection Act to do the following:

- -- Allow a person to file a permit application or a proposed remedial action plan or corrective action plan with a licensed professional engineer (LPE) for review.
- -- Require the LPE to report his or her findings and recommendations to the Department of Environmental Quality (DEQ).
- -- Require the DEQ to process the application or proposed plan within 21 days after receiving the LPE's report or after a hearing or consultation; and, after a hearing or consultation, allow the deadline to be extended if agreed to by the permit applicant or person proposing the plan, and allow the DEQ to request additional information.
- -- Provide that any processing fee would be 50% of the amount otherwise charged.
- -- Provide that the LPE would have standing in an action to appeal the DEQ's grant or denial of the permit application or proposed plan.
- -- Require the DEQ to maintain a list of eligible LPEs.

For purposes of Section 1313, "permit" would refer to one of the following: floodplain alteration permit; permit to discharge into waters of the State; air pollution permit to install or operate; inland lakes and streams project permit; wetland activity permit; dam construction, repair, or removal permit; bottomland dredging or spoils permit; water withdrawal permit; or critical dune area use permit.

The bill also would amend Part 13 to require a department, agency, or official to pay 50%, rather than 15%, of certain amounts if the department, agency, or official failed to approve or deny a permit application by the processing deadline.

MCL 324.1307 et al.

Legislative Analyst: Suzanne Lowe

## FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the Department of Environmental Quality. One provision would require the DEQ to refund 50%, rather than 15%, of an application fee or late fee when an application was not processed by the prescribed deadline. In a recent report to the Legislature, the Department reported that of 6,645 permit decisions made in a recent time period, 6,463, or 97%, were made within the required processing period. The bill also would allow a person to file with the DEQ an application that contained a review performed by a licensed professional engineer, and to pay a processing fee of 50% of the amount otherwise charged. It is not known whether this would reduce the time in which the DEQ could complete its own analysis of the application.

Date Completed: 6-17-09 Fiscal Analyst: Bruce Baker