

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 579**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 3104, 3110, 3118, 3120, 4104, 11153, 30104,
30109, 32312, and 32513 (MCL 324.3104, 324.3110, 324.3118,
324.3120, 324.4104, 324.11153, 324.30104, 324.30109, 324.32312, and
324.32513), as amended by 2021 PA 91.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3104. (1) The department is designated the state agency
2 to cooperate and negotiate with other governments, governmental
3 units, and governmental agencies in matters concerning the water
4 resources of this state, including, but not limited to, flood
5 control, beach erosion control, water quality control planning,
6 development, and management, and the control of aquatic nuisance

1 species. The department shall have control over the alterations of
2 natural or present watercourses of all rivers and streams in this
3 state to ensure that the channels and the portions of the
4 floodplains that are the floodways are not inhabited and are kept
5 free and clear of interference or obstruction that will cause any
6 undue restriction of the capacity of the floodway. The department
7 may take steps as may be necessary to take advantage of any act of
8 congress that may be of assistance in carrying out the purposes of
9 this part, including the water resources planning act, 42 USC 1962
10 to 1962d-3, and the federal water pollution control act, 33 USC
11 1251 to ~~1388~~**1389**.

12 (2) To address discharges of aquatic nuisance species from
13 oceangoing vessels that damage water quality, aquatic habitat, or
14 fish or wildlife, the department shall facilitate the formation of
15 a Great Lakes aquatic nuisance species coalition. The Great Lakes
16 aquatic nuisance species coalition must be formed through an
17 agreement entered into with other states in the Great Lakes basin
18 to implement on a basin-wide basis water pollution laws that
19 prohibit the discharge of aquatic nuisance species into the Great
20 Lakes from oceangoing vessels. Upon entering into the agreement,
21 the department shall notify the Canadian Great Lakes provinces of
22 the terms of the agreement. The department shall seek funding from
23 the Great Lakes protection fund authorized under part 331 to
24 implement the Great Lakes aquatic nuisance species coalition.

25 (3) The department shall report to the governor and the
26 legislature at least annually on any plans or projects being
27 implemented or considered for implementation. The report must
28 include requests for legislation needed to implement any proposed
29 projects or agreements made necessary as a result of a plan or

1 project, together with any requests for appropriations. The
2 department may make recommendations to the governor on the
3 designation of areawide water quality planning regions and
4 organizations relative to the governor's responsibilities under the
5 federal water pollution control act, 33 USC 1251 to ~~1388-~~**1389**.

6 (4) A person shall not alter a floodplain except as authorized
7 by a floodplain permit issued by the department under part 13. An
8 application for a floodplain permit must include information
9 required by the department to assess the proposed alteration's
10 impact on the floodplain. If an alteration includes activities at
11 multiple locations in a floodplain, 1 application may be filed for
12 combined activities.

13 (5) Except as otherwise provided in this section, until
14 October 1, ~~2025,~~**2029**, an application for a floodplain permit must
15 be accompanied by a fee of \$500.00. Until October 1, ~~2025,~~**if 2029**,
16 **if** the department determines that engineering computations are
17 required to assess the impact of a proposed floodplain alteration
18 on flood stage or discharge characteristics, the department shall
19 assess the applicant an additional \$1,500.00 to cover the
20 department's cost of review.

21 (6) After providing notice and an opportunity for a public
22 hearing, the department shall establish minor project categories of
23 activities within floodplains and floodplain projects that are
24 similar in nature, have minimal potential for causing harmful
25 interference when performed separately, and will have only minimal
26 cumulative adverse effects on the environment. All other provisions
27 of this part, except provisions applicable only to floodplain
28 general permits, are applicable to a minor project. A minor project
29 category must not be valid for more than 5 years, but may be re-

1 established. Until October 1, ~~2025, an~~ **2029, an** application for a
2 floodplain permit for a minor project category must be accompanied
3 by a fee of \$100.00.

4 (7) The department, after notice and an opportunity for a
5 public hearing, shall issue general permits on a statewide basis or
6 within a local unit of government for floodplain projects that are
7 similar in nature, have minimal potential for causing harmful
8 interference when performed separately, and will have only minimal
9 cumulative adverse effects on the environment. A general permit
10 category must not be valid for more than 5 years, but may be re-
11 established. Until October 1, ~~2025, an~~ **2029, an** application for a
12 floodplain permit for a general permit category must be accompanied
13 by a fee of \$50.00.

14 (8) By December 31, 2019, the department shall propose new
15 minor project and general project categories as authorized under
16 subsections (6) and (7).

17 (9) The department may issue, deny, or impose conditions on
18 project activities authorized under a floodplain permit for a minor
19 project category or a general permit category if the conditions are
20 designed to remove an impairment to a river and its floodplain, or
21 to mitigate the effects of the project. The department may also
22 establish a reasonable time when the proposed project is to be
23 completed or terminated.

24 (10) If the department determines that activity in a proposed
25 project, although within a floodplain minor project category or a
26 floodplain general permit category, is likely to cause more than
27 minimal adverse environmental effects, the department may require
28 that the application be processed according to subsection (5).

29 (11) If work has been done in violation of a permit

1 requirement under this part and restoration is not ordered by the
2 department, the department may accept an application for a permit
3 for that work if the application is accompanied by a fee equal to 2
4 times the permit fee otherwise required under this section.

5 (12) The department shall forward fees collected under this
6 section to the state treasurer for deposit in the land and water
7 management permit fee fund created in section 30113.

8 (13) A project that requires review and approval under this
9 part and 1 or more of the following is subject to only the single
10 highest permit fee required under this part or the following:

11 (a) Part 301.

12 (b) Part 303.

13 (c) Part 323.

14 (d) Part 325.

15 (e) Section 117 of the land division act, 1967 PA 288, MCL
16 560.117.

17 Sec. 3110. (1) Each industrial or commercial entity, other
18 than a concentrated animal feed operation, that discharges liquid
19 wastes into any surface water or groundwater or underground or on
20 the ground other than through a public sanitary sewer shall have
21 waste treatment or control facilities under the specific
22 supervision and control of individuals who are certified by the
23 department as properly qualified to operate the facilities. The
24 department shall examine all supervisory personnel having
25 supervision and control of the facilities, other than a
26 concentrated animal feed operation, and certify that the
27 individuals are properly qualified to operate or supervise the
28 facilities.

29 (2) The department may conduct a program for training

1 individuals ~~seeking~~**who seek** to be certified as operators or
2 supervisors under subsection (1), section 4104, or section 9 of the
3 safe drinking water act, 1976 PA 399, MCL 325.1009. Until October
4 1, ~~2025, the~~**2029, the** department may charge a fee based on the
5 costs to the department of operating this training program. The
6 fees must be deposited into the operator training and certification
7 fund created in section 3134.

8 (3) The department shall administer certification operator
9 programs for individuals ~~seeking~~**who seek** to be certified as
10 operators or supervisors under subsection (1), section 4104, or
11 section 9 of the safe drinking water act, 1976 PA 399, MCL
12 325.1009. An individual ~~that~~**who** wishes to become certified as an
13 operator or a supervisor shall submit an application to the
14 department that contains the information required by the
15 department. Information submitted as part of the application must
16 be considered part of the examination for certification. Until
17 October 1, ~~2025, the~~**2029, the** department may charge a
18 certification examination fee and a certification renewal fee in
19 accordance with the following fee schedule:

20 (a) For certification examinations under subsection (1), the
21 following fees apply:

22 (i) Industrial wastewater certification level 1 or 2
23 examination as described under subrule (2) of R 323.1253 of the
24 Michigan Administrative Code, \$35.00.

25 (ii) Industrial wastewater certification level 3 examination as
26 described under subrule (2) of R 323.1253 of the Michigan
27 Administrative Code, \$40.00.

28 (iii) Industrial wastewater special classification A-1a
29 examination or noncontact cooling water A-1h examination as

1 described under subrule (2) of R 323.1253 of the Michigan
2 Administrative Code, \$30.00.

3 (iv) Stormwater industrial certification A-1i examination as
4 described under subrule (2) of R 323.1253 of the Michigan
5 Administrative Code, \$30.00.

6 (b) For certification examinations under section 4104, the
7 following fees apply:

8 (i) Municipal wastewater certification level A, B, C, or D
9 examination as described under subrule (1) of R 299.2911 of the
10 Michigan Administrative Code, \$70.00.

11 (ii) Municipal wastewater certification level L2 examination as
12 described under subrule (3) (a) of R 299.2911 of the Michigan
13 Administrative Code, \$45.00.

14 (iii) Municipal wastewater certification level L1 examination as
15 described under subrule (3) (b) of R 299.2911 of the Michigan
16 Administrative Code, \$45.00.

17 (iv) Municipal wastewater certification level SC examination as
18 described under subrule (4) of R 299.2911 of the Michigan
19 Administrative Code, \$45.00.

20 (c) For certification examinations under section 9 of the safe
21 drinking water act, 1976 PA 399, MCL 325.1009, for operators of the
22 following systems, the following fees apply:

23 (i) Drinking water complete treatment system classes F-1, F-2,
24 F-3, or F-4 as described under subrule (1) of R 325.11901 of the
25 Michigan Administrative Code, \$70.00.

26 (ii) Drinking water limited treatment system classes D-1, D-2,
27 D-3, or D-4 as described under subrule (2) of R 325.11901 of the
28 Michigan Administrative Code, \$70.00.

29 (iii) Drinking water distribution system classes S-1, S-2, S-3,

1 or S-4 as described under R 325.11902 of the Michigan
2 Administrative Code, \$70.00.

3 (iv) Drinking water complete treatment system class F-5 as
4 described under subrule (1) of R 325.11901 of the Michigan
5 Administrative Code, \$45.00.

6 (v) Drinking water limited treatment system class D-5 as
7 described under subrule (2) of R 325.11901 of the Michigan
8 Administrative Code, \$45.00.

9 (vi) Drinking water distribution system class S-5 as described
10 under R 325.11902 of the Michigan Administrative Code, \$45.00.

11 (d) For certification renewals under subsection (1), the
12 following fees apply:

13 (i) Stormwater industrial certification A-1i as described under
14 subrule (2) of R 323.1253 of the Michigan Administrative Code,
15 \$95.00.

16 (ii) Stormwater construction certification A-1j as described
17 under subrule (2) of R 323.1253 of the Michigan Administrative
18 Code, \$95.00.

19 (iii) All other industrial wastewater certification levels 1, 2,
20 or 3 as described under subrule (2) of R 323.1253 of the Michigan
21 Administrative Code and issued on a single certificate, \$95.00.

22 (e) For certification renewals under section 4104 for all
23 municipal wastewater certification levels as described under R
24 299.2911 of the Michigan Administrative Code and issued on a single
25 certificate, \$95.00.

26 (f) For certification renewals under section 9 of the safe
27 drinking water act, 1976 PA 399, MCL 325.1009, for all drinking
28 water certification levels as described under R 325.11901 or R
29 325.11902 of the Michigan Administrative Code and issued on a

1 single certificate, \$95.00.

2 (4) The failure to pay a required certification examination
3 fee within 90 days after taking an examination is considered
4 failure of the examination. The department shall not allow an
5 individual to take a future examination within the failed
6 examination program unless ~~he or she~~ **the individual** pays the prior
7 fee in full.

8 (5) The department shall conduct a program for persons or
9 organizations seeking to offer approved continuing education
10 courses to be used by certified operators and supervisors when
11 renewing their certifications under subsection (1), section 4104,
12 and section 9 of the safe drinking water act, 1976 PA 399, MCL
13 325.1009. The department may charge continuing education providers
14 a course application fee and course renewal fee as provided in the
15 following fee schedule:

16 (a) An application for approval of a training course, \$75.00
17 for each course.

18 (b) An application for renewal of an approved training course,
19 \$50.00 for each course.

20 (6) All fees collected under this section must be deposited in
21 the operator training and certification fund created in section
22 3134.

23 (7) An individual certified as required by subsection (1)
24 shall file monthly, or at longer intervals as the department may
25 designate, on forms provided by the department, reports showing the
26 effectiveness of the treatment or control facility operation and
27 the quantity and quality of discharged liquid wastes. If an
28 individual knowingly makes a false statement in a report, the
29 department may revoke ~~his or her~~ **the individual's** certificate as an

1 approved treatment facility operator.

2 (8) This section does not apply to water, gas, or other
3 material that is injected into a well to facilitate production of
4 oil or gas or to water derived in association with oil or gas
5 production and disposed of in a well, if the well is used either to
6 facilitate production or for disposal purposes and is under permit
7 by the state supervisor of wells.

8 Sec. 3118. (1) Except as otherwise provided in this section,
9 until October 1, ~~2025~~, **2029**, the department shall collect the
10 following stormwater discharge fees from persons that apply for or
11 have been issued stormwater discharge permits:

12 (a) A 1-time fee of \$400.00 for a permit related solely to a
13 site of construction activity for each permitted site. The fee must
14 be submitted with the application for an individual permit or for a
15 certificate of coverage under a general permit. For a permit by
16 rule, the fee must be submitted by the construction site permittee
17 with the notice of coverage. A person ~~needing~~ **that needs** more than
18 1 permit may submit a single payment for more than 1 permit and
19 receive appropriate credit. Payment of the fee under this
20 subdivision or verification of prepayment is a necessary part of a
21 valid permit application or notice of coverage under a permit by
22 rule.

23 (b) An annual fee of \$260.00 for a permit related solely to a
24 stormwater discharge associated with industrial activity or from a
25 commercial site for which the department determines a permit is
26 needed.

27 (c) Except as provided in subdivision (d), (e), or (f), an
28 annual fee of \$500.00 for a permit for a municipal separate storm
29 sewer system.

1 (d) For a permit for a municipal separate storm sewer system
2 issued to a city, village, or township, an annual fee determined by
3 its population in an urbanized area as defined by the United States
4 ~~Bureau of the Census~~ **Bureau** and, except as provided in subsection
5 (11), based on the latest available decennial census, as follows:

6 (i) For a population of 1,000 people or fewer, \$500.00.

7 (ii) For a population of more than 1,000 people, but fewer than
8 3,001 people, \$1,000.00.

9 (iii) For a population of more than 3,000 people, but fewer than
10 10,001 people, \$2,000.00.

11 (iv) For a population of more than 10,000 people, but fewer
12 than 30,001 people, \$3,000.00.

13 (v) For a population of more than 30,000 people, but fewer
14 than 50,001 people, \$4,000.00.

15 (vi) For a population of more than 50,000 people, but fewer
16 than 75,001 people, \$5,000.00.

17 (vii) For a population of more than 75,000 people, but fewer
18 than 100,001 people, \$6,000.00.

19 (viii) For a population of more than 100,000 people, \$7,000.00.

20 (e) An annual fee of \$3,000.00 for a permit for a municipal
21 separate storm sewer system issued to a county.

22 (f) For a single municipal separate storm sewer systems permit
23 authorizing a state or federal agency to operate municipal separate
24 storm sewer systems in multiple locations statewide, an annual fee
25 determined ~~pursuant to~~ **in accordance with** a memorandum of
26 understanding between that state or federal agency and the
27 department and based on the projected costs of the department to
28 administer the permit.

29 (2) A stormwater discharge permit is not required for a

1 municipality that does not own or operate a separate storm sewer
2 system. The department shall not collect stormwater discharge fees
3 under this section from a municipality that does not own or operate
4 a separate storm sewer system.

5 (3) Permit fees required under this section are nonrefundable.

6 (4) A person ~~possessing~~**that possesses** a permit not related
7 solely to a site of construction activity as of January 1 shall be
8 assessed a fee. The department shall notify those persons of ~~their~~
9 **the** fee assessments by February 1. Payment must be postmarked no
10 later than March 15. Failure by the department to send a person a
11 fee assessment notification by the deadline, or failure of a person
12 to receive a fee assessment notification, does not relieve that
13 person of the obligation to pay the fee. If the department does not
14 meet the February deadline for sending the fee assessment, the fee
15 assessment is due not later than 45 days after the permittee
16 receives a fee notification.

17 (5) If a stormwater permit is issued for a drainage district,
18 the drainage district is responsible for the applicable fee under
19 this section.

20 (6) The department shall assess interest on all fee payments
21 submitted under this section after the due date. The permittee
22 shall pay an additional amount equal to 0.75% of the payment due
23 for each month or portion of a month the payment remains past due.

24 (7) The department shall forward fees and interest payments
25 collected under this section to the state treasurer for deposit
26 into the fund.

27 (8) The department shall require the payment of the fee
28 assessed under this section as a condition of issuance or
29 reissuance of a permit not related solely to a site of construction

1 activity.

2 (9) In addition to any other penalty provided in this part, if
3 a person fails to pay the fee required under this section by ~~its~~
4 **the** due date, the person is in violation of this part and the
5 department may undertake enforcement actions as authorized under
6 this part.

7 (10) The attorney general may bring an action to collect
8 overdue fees and interest payments imposed under this section.

9 (11) If the permit is for a municipal separate storm sewer
10 system and the population served by that system is different than
11 that determined by the latest decennial census, the permittee may
12 appeal the annual fee determination and submit written verification
13 of actual population served by the municipal separate storm sewer
14 system.

15 (12) A person that wishes to appeal either a fee or a penalty
16 assessed under this section is limited to an administrative appeal
17 under section 631 of the revised judicature act of 1961, 1961 PA
18 236, MCL 600.631. The appeal must be filed ~~within~~**not later than** 30
19 days after the department's fee notification under subsection (4).

20 (13) As used in this section and section 3119:

21 (a) "Certificate of coverage" means a document issued by the
22 department that authorizes a discharge under a general permit.

23 (b) "Clean water act" means the federal water pollution
24 control act, 33 USC 1251 to ~~1388~~**1389**.

25 (c) "Construction activity" means a human-made earth change or
26 disturbance in the existing cover or topography of land that is 5
27 acres or more in size, for which a national permit is required
28 ~~pursuant to~~**under** 40 CFR 122.26(a), and which is described as a
29 construction activity in 40 CFR 122.26(b) (14) (x). Construction

1 activity includes clearing, grading, and excavating activities.
2 Construction activity does not include the practice of clearing,
3 plowing, tilling soil, and harvesting for the purpose of crop
4 production.

5 (d) "Fee" means a stormwater discharge fee authorized under
6 this section.

7 (e) "Fund" means the ~~stormwater~~**storm water** fund created in
8 section 3119.

9 (f) "General permit" means a permit issued authorizing a
10 category of similar discharges.

11 (g) "Individual permit" means a site-specific permit.

12 (h) "Municipal separate storm sewer system" means all separate
13 storm sewers that are owned or operated by the United States or a
14 state, city, village, township, county, district, association, or
15 other public body created by or ~~pursuant to~~**under** state law, having
16 jurisdiction over disposal of sewage, industrial wastes,
17 stormwater, or other wastes, including special districts under
18 state law, such as a sewer district, flood control district, or
19 drainage district or similar entity, or a designated or approved
20 management agency under section 208 of the clean water act, 33 USC
21 1288, that discharges to waters of the state. Municipal separate
22 storm sewer system includes systems similar to separate storm sewer
23 systems in municipalities, such as systems at military bases, large
24 hospital or prison complexes, and highways and other thoroughfares.
25 Municipal separate storm sewer system does not include separate
26 storm sewers in very discrete areas, such as individual buildings.

27 (i) "Notice of coverage" means a notice that a person engaging
28 in construction activity agrees to comply with a permit by rule for
29 that activity. A notice of coverage is not required to include a

1 copy of an individual permit issued under part 91 if the notice of
2 coverage includes a copy of a permit for the construction activity
3 issued under part 615, 625, 631, 632, or 634, along with any forms
4 or diagrams pertaining to soil erosion and sedimentation control
5 that were part of the application for that permit.

6 (j) "Permit", unless the context implies otherwise, or
7 "stormwater discharge permit" means a permit authorizing the
8 discharge of wastewater or any other substance to surface waters of
9 the state under the national pollutant discharge elimination
10 system, pursuant to the clean water act or this part and the
11 regulations or rules promulgated under ~~that~~**the clean water** act or
12 this part.

13 (k) "Public body" means the United States, this state, a city,
14 village, township, county, school district, public college or
15 university, or single purpose governmental agency, or any other
16 body that is created by federal or state law.

17 (l) "Separate storm sewer system" means a system of drainage,
18 including, but not limited to, roads, catch basins, curbs, gutters,
19 parking lots, ditches, conduits, pumping devices, or man-made
20 channels, that has the following characteristics:

21 (i) The system is not a combined sewer where stormwater mixes
22 with sanitary wastes.

23 (ii) The system is not part of a publicly owned treatment
24 works.

25 (m) "Stormwater" means stormwater runoff, snowmelt runoff, and
26 surface runoff and drainage.

27 (n) "Stormwater discharge associated with industrial activity"
28 means a point source discharge of stormwater from a facility that
29 is considered to be engaging in industrial activity under 40 CFR

1 122.26(b) (14) (i) to (ix) and (xi).

2 Sec. 3120. (1) Until October 1, ~~2025, an~~ **2029, an** application
3 for a new permit, a reissuance of a permit, or a modification of an
4 existing permit under this part authorizing a discharge into
5 surface water, other than a storm water discharge, must be
6 accompanied by an application fee as follows:

7 (a) For an EPA major facility permit, \$750.00.

8 (b) For an EPA minor facility individual permit, a CSO permit,
9 or a wastewater stabilization lagoon individual permit, \$400.00.

10 (c) For an EPA minor facility general permit, \$75.00.

11 (2) ~~Within~~ **Not later than** 180 days after receipt of a complete
12 application for a new or increased use permit, the department shall
13 either grant or deny the permit, unless the applicant and the
14 department agree to extend this time period.

15 (3) By September 30 of the year following the submittal of a
16 complete application for reissuance of a permit, the department
17 shall either grant or deny the permit, unless the applicant and the
18 department agree to extend this time period.

19 (4) If the department fails to make a decision on an
20 application within the applicable time period under subsection (2)
21 or (3), all of the following apply:

22 (a) The department shall return to the applicant the
23 application fee submitted under subsection (1).

24 (b) The applicant is not subject to an application fee.

25 (c) The applicant shall receive a 15% annual discount on an
26 annual permit fee required for a permit issued based on that
27 application.

28 (5) Until October 1, ~~2025, a~~ **2029, a** person ~~who~~ **that** receives
29 a permit under this part authorizing a discharge into surface

1 water, other than a stormwater discharge, is subject to an annual
2 permit fee as follows:

3 (a) For an industrial or commercial facility that is an EPA
4 major facility, \$8,700.00.

5 (b) For an industrial or commercial facility that is an EPA
6 minor facility, the following amount:

7 (i) For a general permit for a low-flow facility, \$150.00.

8 (ii) For a general permit for a high-flow facility, \$400.00.

9 (iii) For an individual permit for a low-flow facility,
10 \$1,650.00.

11 (iv) For an individual permit for a high-flow facility,
12 \$3,650.00.

13 (c) For a municipal facility that is an EPA major facility,
14 the following amount:

15 (i) For an individual permit for a facility discharging 500 MGD
16 or more, \$213,000.00.

17 (ii) For an individual permit for a facility discharging 50 MGD
18 or more but less than 500 MGD, \$20,000.00.

19 (iii) For an individual permit for a facility discharging 10 MGD
20 or more but less than 50 MGD, \$13,000.00.

21 (iv) For an individual permit for a facility discharging less
22 than 10 MGD, \$5,500.00.

23 (d) For a municipal facility that is an EPA minor facility,
24 the following amount:

25 (i) For an individual permit for a facility discharging 10 MGD
26 or more, \$3,775.00.

27 (ii) For an individual permit for a facility discharging 1 MGD
28 or more but less than 10 MGD, \$3,000.00.

29 (iii) For an individual permit for a facility discharging less

1 than 1 MGD, \$1,950.00.

2 (iv) For a general permit for a high-flow facility, \$600.00.

3 (v) For a general permit for a low-flow facility, \$400.00.

4 (e) For a municipal facility that is a CSO facility,
5 \$6,000.00.

6 (f) For an individual permit for a wastewater stabilization
7 lagoon, \$1,525.00.

8 (g) For an individual or general permit for an agricultural
9 purpose, \$600.00, unless either of the following applies:

10 (i) The facility is an EPA minor facility and would qualify for
11 a general permit for a low-flow facility, in which case the fee is
12 \$150.00.

13 (ii) The facility is an EPA major facility that is not a
14 farmers' cooperative corporation, in which case the fee is
15 \$8,700.00.

16 (h) For a facility that holds a permit issued under this part
17 but has no discharge and is connected to and is authorized to
18 discharge only to a municipal wastewater treatment system, an
19 annual permit maintenance fee of \$100.00. However, if a facility
20 does have a discharge or at some time is no longer connected to a
21 municipal wastewater treatment system, the annual permit fee must
22 be the appropriate fee as otherwise provided in this subsection.

23 (6) If the person required to pay an application fee under
24 subsection (1) or an annual permit fee under subsection (5) is a
25 municipality, the municipality may pass on the application fee or
26 the annual permit fee, or both, to each user of the municipal
27 facility.

28 (7) The department shall send invoices for annual permit fees
29 under subsection (5) to all permit holders by December 1 of each

1 year. A fee must be based on the status of the facility as of
2 October 1 of that year. A person subject to an annual permit fee
3 shall pay the fee not later than January 15 of each year. Failure
4 by the department to send a person an invoice by December 1, or
5 failure of a person to receive an invoice, does not relieve that
6 person of the obligation to pay the annual permit fee. If the
7 department does not send invoices by December 1, the annual permit
8 fee is due not later than 45 days after the permittee receives an
9 invoice. The department shall forward annual permit fees received
10 under this section to the state treasurer for deposit into the
11 national pollutant discharge elimination system fund created in
12 section 3121.

13 (8) The department shall assess a penalty on all annual permit
14 fee payments submitted under this section after the due date. The
15 penalty is 0.75% of the payment due for each month or portion of a
16 month the payment remains past due.

17 (9) Following payment of an annual permit fee, if a permittee
18 wishes to challenge its annual permit fee under this section, the
19 owner or operator shall submit the challenge in writing to the
20 department. The department shall not process the challenge unless
21 it is received by the department by March 1 of the year the payment
22 is due. A challenge must identify the facility and state the
23 grounds ~~upon~~**on** which the challenge is based. ~~Within~~**Not later than**
24 30 calendar days after receipt of the challenge, the department
25 shall determine the validity of the challenge and provide the
26 permittee with notification of a revised annual permit fee and a
27 refund, if appropriate, or a statement setting forth the reason or
28 reasons why the annual permit fee was not revised. If the owner or
29 operator of a facility desires to further challenge its annual

1 permit fee, the owner or operator of the facility has an
2 opportunity for a contested case hearing as provided for under the
3 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
4 24.328.

5 (10) The attorney general may bring an action for the
6 collection of the annual permit fee imposed under this section.

7 (11) As used in this section:

8 (a) "Agricultural purpose" means the agricultural production
9 or processing of those plants and animals useful to human beings
10 produced by agriculture and includes, but is not limited to,
11 forages and sod crops, grains and feed crops, field crops, dairy
12 animals and dairy products, poultry and poultry products, cervidae,
13 livestock, including breeding and grazing, equine, fish and other
14 aquacultural products, bees and bee products, berries, herbs,
15 fruits, vegetables, flowers, seeds, grasses, nursery stock, trees
16 and tree products, mushrooms, and other similar products, or any
17 other product, as determined by the commission of agriculture and
18 rural development, that incorporates the use of food, feed, fiber,
19 or fur. Agricultural purpose includes an operation or facility that
20 produces wine.

21 (b) "Combined sewer overflow" means a discharge from a
22 combined sewer system that occurs when the flow capacity of the
23 combined sewer system is exceeded at a point before the headworks
24 of a publicly owned treatment works during wet weather conditions.

25 (c) "Combined sewer system" means a sewer designed and used to
26 convey both storm water runoff and sanitary sewage, and that
27 contains lawfully installed regulators and control devices that
28 allow for delivery of sanitary flow to treatment during dry weather
29 periods and divert stormwater and sanitary sewage to surface waters

1 during storm flow periods.

2 (d) "CSO facility" means a facility whose discharge is solely
3 a combined sewer overflow.

4 (e) "EPA major facility" means a major facility as **that term**
5 **is** defined in 40 CFR 122.2.

6 (f) "EPA minor facility" means a facility that is not an EPA
7 major facility.

8 (g) "Farmers' cooperative corporation" means a farmers'
9 cooperative corporation organized within the limitations of section
10 98 of 1931 PA 327, MCL 450.98.

11 (h) "General permit" means a permit suitable for use at
12 facilities meeting eligibility criteria as specified in the permit.
13 With a general permit, the discharge from a specific facility is
14 acknowledged through a certificate of coverage issued to the
15 facility.

16 (i) "High-flow facility" means a facility that discharges 1
17 MGD or more.

18 (j) "Individual permit" means a permit developed for a
19 particular facility, taking into account that facility's specific
20 characteristics.

21 (k) "Industrial or commercial facility" means a facility that
22 is not a municipal facility.

23 (l) "Low-flow facility" means a facility that discharges less
24 than 1 MGD.

25 (m) "MGD" means 1,000,000 gallons per day.

26 (n) "Municipal facility" means a facility that is designed to
27 collect or treat sanitary wastewater, is either publicly or
28 privately owned, and serves a residential area or a group of
29 municipalities.

1 (o) "Wastewater stabilization lagoon" means a treatment system
2 constructed of ponds or basins designed to receive, hold, and treat
3 sanitary wastewater for a predetermined amount of time through a
4 combination of physical, biological, and chemical processes.

5 Sec. 4104. (1) The department may promulgate and enforce rules
6 that the department considers necessary ~~governing~~**to govern** and
7 ~~providing~~**provide for** a method of conducting and operating all or a
8 part of sewerage systems including sewage treatment works. The
9 department shall classify sewage treatment works with regard to
10 size, type, location, and other physical conditions affecting those
11 works and according to the skill, knowledge, experience, and
12 character that the individual who is in charge of the active
13 operation of the sewage treatment works must possess to
14 successfully operate the works and prevent the discharge of
15 deleterious matter capable of being injurious to the public health
16 or other public interests. The department shall examine or provide
17 for the examination of individuals as to ~~their~~**the** qualifications
18 to operate sewage treatment works. The department shall promulgate
19 rules regarding the classification of sewage treatment works, the
20 examinations for certification of operators for those works, and
21 the issuance and revocation of certificates, and shall issue and
22 revoke certificates as provided ~~in those~~**by the** rules. Every sewage
23 treatment works subject to this part must be under the supervision
24 of a properly certified operator, except that this section does not
25 require the employment of a certified operator in a waste treatment
26 works that receives only wastes that are not potentially
27 prejudicial to the public health.

28 (2) As provided in section 3110, the department may conduct a
29 program for training individuals ~~seeking~~**who seek** to be certified

1 as operators under subsection (1) and shall administer operator
2 certification programs for individuals ~~seeking~~**who seek** to be
3 certified as operators under subsection (1). Until October 1, ~~2025,~~
4 ~~the~~**2029, the** department may charge fees for these programs as
5 provided in section 3110. The department shall transmit fees
6 collected under this section to the state treasurer for deposit
7 into the operator training and certification fund created in
8 section 3134.

9 Sec. 11153. (1) A generator, transporter, or treatment,
10 storage, or disposal facility shall obtain and utilize a site
11 identification number assigned by the United States Environmental
12 Protection Agency or the department. Until October 1, ~~2025,~~**the**
13 **2029, the** department shall assess a site identification number user
14 charge of \$50.00 for each site identification number ~~it~~**the**
15 **department** issues. The department shall not issue a site
16 identification number under this subsection unless the site
17 identification number user charge and the tax identification number
18 for the person applying for the site identification number ~~have~~
19 ~~been~~**are** received by the department.

20 (2) Until October 1, ~~2025,~~**the** **2029, the** department shall
21 annually assess hazardous waste management program user charges as
22 follows:

23 (a) A generator shall pay a handler user charge that is the
24 highest of the following applicable fees:

25 (i) A generator that generates more than 100 kilograms but less
26 than 1,000 kilograms of hazardous waste in any month during the
27 calendar year shall pay to the department an annual handler user
28 charge of \$100.00.

29 (ii) A generator that generates 1,000 kilograms or more of

1 hazardous waste in any month during the calendar year and that
2 generates less than 900,000 kilograms during the calendar year
3 shall pay to the department an annual handler user charge of
4 \$400.00.

5 (iii) A generator that generates 1,000 kilograms or more of
6 hazardous waste in any month during the calendar year and that
7 generates 900,000 kilograms or more of hazardous waste during the
8 calendar year shall pay to the department an annual handler user
9 charge of \$1,000.00.

10 (b) An owner or operator of a treatment, storage, or disposal
11 facility for which an operating license is required under section
12 11123 or for which an operating license is issued under section
13 11125 shall pay to the department an annual handler user charge of
14 \$2,000.00.

15 (c) A used oil processor or rerefiner, a used oil burner, or a
16 used oil fuel marketer as defined in the rules promulgated under
17 this part shall pay to the department an annual handler user charge
18 of \$100.00.

19 (3) A handler shall pay the handler user charge specified in
20 subsection ~~(2) (a) to (e)~~ **(2)** for each of the activities conducted
21 during the previous calendar year.

22 (4) Handler user charges must be paid using a form provided by
23 the department. The handler shall certify that the information on
24 the form is accurate. The department shall send forms to the
25 handlers ~~by~~ **not later than** March 30 of each year. A handler shall
26 return the completed forms and the appropriate payment to the
27 department ~~by~~ **not later than** April 30 of each year.

28 (5) A handler that fails to provide timely and accurate
29 information, a complete form, or the appropriate handler user

1 charge is in violation of this part and is subject to both of the
2 following:

3 (a) Payment of the handler user charge and an administrative
4 fine of 5% of the amount owed for each month that the payment is
5 delinquent. Any payments received after the fifteenth of the month
6 after the due date are delinquent for that month. However, the
7 administrative fine must not exceed 25% of the total amount owed.

8 (b) Beginning 5 months after the date payment of the handler
9 user charge is due, if the amount owed under subdivision (a) is not
10 paid in full, at the request of the department, an action by the
11 attorney general for the collection of the amount owed under
12 subdivision (a) and the actual cost to the department in attempting
13 to collect the amount owed under subdivision (a).

14 (6) The department shall maintain information regarding the
15 site identification number user charges and the handler user
16 charges collected under this section as necessary to satisfy the
17 reporting requirements of subsection (8).

18 (7) The site identification number user charges and the
19 handler user charges collected under this section and any amounts
20 collected under subsection (5) for a violation of this section must
21 be forwarded to the state treasurer and deposited in the
22 environmental pollution prevention fund created in section 11130.

23 (8) The department shall evaluate the effectiveness and
24 adequacy of the site identification number user charges and the
25 handler user charges collected under this section relative to the
26 overall revenue needs of the hazardous waste management program
27 administered under this part. Not later than April 1 of each even-
28 numbered year, the department shall submit to the legislature a
29 report summarizing the department's findings under this subsection.

(9) As used in this section:

(a) "Handler" means the person required to pay the handler user charge.

(b) "Handler user charge" means an annual hazardous waste management program user charge provided for in subsection (2).

Sec. 30104. (1) A person shall not undertake a project subject to this part except as authorized by a permit issued by the department ~~pursuant to~~ **under** part 13. An application for a permit must include any information that may be required by the department. If a project includes activities at multiple locations, 1 application may be filed for the combined activities.

(2) Except as provided in subsections (3) and (4), until October 1, ~~2025~~, **2029**, an application for a permit must be accompanied by an application fee based on an administrative cost in accordance with the following schedule:

(a) For an initial permit for a seasonal drawdown or associated reflooding, or both, of a dam or impoundment for the purpose of weed control that is issued for the first time after October 9, 1995, a fee of \$500.00, but for subsequent permits for the same purpose a fee of \$50.00.

(b) For activities included in a minor project category established under section 30105(7), a fee of \$100.00.

(c) For activities included in a general permit category established under section 30105(8), a fee of \$50.00.

(d) For construction or expansion of a marina, a fee as follows:

(i) \$50.00 for an expansion of 1-10 marina slips to an existing permitted marina.

1 (ii) \$100.00 for a new marina with 1-10 proposed marina slips.

2 (iii) \$250.00 for an expansion of 11-50 marina slips to an
3 existing permitted marina, plus \$10.00 for each marina slip over
4 50.

5 (iv) \$500.00 for a new marina with 11-50 proposed marina slips,
6 plus \$10.00 for each marina slip over 50.

7 (v) \$1,500.00 if an existing permitted marina proposes
8 maintenance dredging of 10,000 cubic yards or more, unless the
9 dredge material is determined through testing to be 90% or more
10 sand, or the addition of seawalls, bulkheads, or revetments of 500
11 feet or more.

12 (e) For major projects other than a project described in
13 subdivision (d) (v), involving any of the following, a fee of
14 \$2,000.00:

15 (i) Dredging of 10,000 cubic yards or more, unless the dredge
16 material is determined through testing to be 90% or more sand.

17 (ii) Filling of 10,000 cubic yards or more.

18 (iii) Seawalls, bulkheads, or revetments of 500 feet or more.

19 (iv) Filling or draining of 1 acre or more of wetland
20 contiguous to a lake or stream.

21 (v) New dredging or upland boat basin excavation in areas of
22 suspected contamination.

23 (vi) Shore projections, such as groins and underwater
24 stabilizers, that extend 150 feet or more into a lake or stream.

25 (vii) New commercial docks or wharves of 300 feet or more in
26 length.

27 (viii) Stream enclosures 100 feet or more in length.

28 (ix) Stream relocations 500 feet or more in length.

1 (x) New golf courses.

2 (xi) Subdivisions.

3 (xii) Condominiums.

4 (f) For the removal of submerged logs from bottomland of an
5 inland lake, a \$500.00 fee.

6 (g) For all other projects not listed in subdivisions (a) to
7 (f), a fee of \$500.00.

8 (3) A project that requires review and approval under this
9 part and 1 or more of the following acts or parts of acts is
10 subject to only the single highest fee required under this part or
11 the following acts or parts of acts:

12 (a) Section 3104.

13 (b) Part 303.

14 (c) Part 323.

15 (d) Part 325.

16 (e) Section 117 of the land division act, 1967 PA 288, MCL
17 560.117.

18 (4) If work has been done in violation of a permit requirement
19 under this part and restoration is not ordered by the department,
20 the department may accept an application for a permit if the
21 application is accompanied by a fee equal to 2 times the permit fee
22 required under this section.

23 (5) If the department denies an application for a permit under
24 this part, the department shall promptly refund the application fee
25 paid under this section.

26 Sec. 30109. Upon the written request of a riparian owner and
27 upon payment of a service fee, the department may enter into a
28 written agreement with the riparian owner establishing the location
29 of the ordinary high-water mark for ~~his or her~~ **the riparian owner's**

property. In the absence of substantially changed conditions, the agreement is conclusive proof of the location in all matters between this state and the riparian owner and ~~his or her~~ **the riparian owner's** successors in interest. Until October 1, ~~2025,~~ **the 2029,** the service fee provided for in this section is \$500.00. The department shall forward service fees collected under this section to the state treasurer for deposit into the fund.

Sec. 32312. (1) To regulate the uses and development of high-risk areas, flood risk areas, and environmental areas and to implement the purposes of this part, the department shall promulgate rules **in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.** If permits are required under rules promulgated under this part, the permits must be issued ~~pursuant to~~ **in accordance with** the rules and part 13. Except as provided under subsection (2), until October 1, ~~2025,~~ **2029,** if permits are required ~~pursuant to~~ **under the** rules promulgated under this part, an application for a permit must be accompanied by a fee as follows:

(a) For a commercial or multifamily residential project, \$500.00.

(b) For a single-family home construction, \$100.00.

(c) For an addition to an existing single-family home or for a project that has a minor impact on fish and wildlife resources in environmental areas as determined by the department, \$50.00.

(2) A project that requires review and approval under this part and under 1 or more of the following is subject to only the single highest permit fee required under this part or the following:

(a) Part 301.

1 (b) Part 303.

2 (c) Part 325.

3 (d) Section 3104.

4 (e) Section 117 of the land division act, 1967 PA 288, MCL
5 560.117.

6 (3) The department shall forward fees collected under this
7 section to the state treasurer for deposit in the land and water
8 management permit fee fund created in section 30113.

9 (4) A circuit court, upon petition and a showing by the
10 department that a rule promulgated under subsection (1) has been
11 violated, shall issue any necessary order to the defendant to
12 correct the violation or to restrain the defendant from further
13 violation of the rule.

14 Sec. 32513. (1) To obtain a permit for any activity specified
15 in section 32512, a person shall file an application with the
16 department on a form provided by the department. The application
17 must include all of the following:

18 (a) The name and address of the applicant.

19 (b) The legal description of the lands included in the
20 project.

21 (c) A summary statement of the purpose of the project.

22 (d) A map or diagram showing the proposal on an adequate scale
23 with contours and cross-section profiles of any waterway to be
24 constructed.

25 (e) Other information required by the department.

26 (2) Except as provided in subsections (3) and (4), until
27 October 1, ~~2025~~, **2029**, an application for a permit under this
28 section must be accompanied by the following fee, as applicable:

29 (a) For a project in a category of activities for which a

1 general permit is issued under section 32512a(2), a fee of \$50.00.

2 (b) For activities included in a minor project category
3 established under section 32512a(1), a fee of \$100.00.

4 (c) For construction or expansion of a marina, a fee of:

5 (i) \$50.00 for an expansion of 1-10 marina slips to an existing
6 permitted marina.

7 (ii) \$100.00 for a new marina with 1-10 proposed marina slips.

8 (iii) \$250.00 for an expansion of 11-50 marina slips to an
9 existing permitted marina, plus \$10.00 for each marina slip over
10 50.

11 (iv) \$500.00 for a new marina with 11-50 proposed marina slips,
12 plus \$10.00 for each marina slip over 50.

13 (v) \$1,500.00 if an existing permitted marina proposes
14 maintenance dredging of 10,000 cubic yards or more, unless the
15 dredge material is determined through testing to be 90% or more
16 sand, or the addition of seawalls, bulkheads, or revetments of 500
17 feet or more.

18 (d) For major projects other than a project described in
19 subdivision (c)(v), involving any of the following, a fee of
20 \$2,000.00:

21 (i) Dredging of 10,000 cubic yards or more, unless the dredge
22 material is determined through testing to be 90% or more sand.

23 (ii) Filling of 10,000 cubic yards or more.

24 (iii) Seawalls, bulkheads, or revetment of 500 feet or more.

25 (iv) Filling or draining of 1 acre or more of coastal wetland.

26 (v) New dredging or upland boat basin excavation in areas of
27 suspected contamination.

28 (vi) New breakwater or channel jetty.

1 (vii) Shore protection, such as groins and underwater
2 stabilizers, that extend 150 feet or more on Great Lakes
3 bottomlands.

4 (viii) New commercial dock or wharf of 300 feet or more in
5 length.

6 (e) For all other projects not listed in subdivisions (a) to
7 (d), \$500.00.

8 (3) A project that requires review and approval under this
9 part and 1 or more of the following is subject to only the single
10 highest permit fee required under this part or the following:

11 (a) Section 3104.

12 (b) Part 301.

13 (c) Part 303.

14 (d) Part 323.

15 (e) Section 117 of the land division act, 1967 PA 288, MCL
16 560.117.

17 (4) If work is done in violation of a permit requirement under
18 this part and restoration is not ordered by the department, the
19 department may accept an application for a permit if the
20 application is accompanied by a fee equal to 2 times the permit fee
21 otherwise required under this section.

22 (5) The department shall forward fees collected under this
23 section to the state treasurer for deposit into the land and water
24 management permit fee fund created in section 30113.