

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.3310 Permit conditions.

Sec. 3310.

As a condition of a permit under this part, the department may require the permittee to do any of the following:

- (a) Notify the department not less than 2 working days in advance of chemical treatment.
- (b) Proceed with chemical treatment only if a department representative is present.
- (c) Allow the department or its representative to collect a sample of the chemical or chemicals used before or during any chemical treatment.
- (d) Post the area of impact before chemical treatment with signs, as follows:
 - (i) Each sign shall be of a brilliant color and made of sturdy, weather-resistant material. Each sign shall be at least 8-1/2 by 11 inches and shall be attached to a supporting device with the bottom of the sign at least 12 inches above the ground surface.
 - (ii) Signs shall be posted in the following locations:
 - (A) Subject to sub-subparagraph (C), along the shoreline of the area of impact not more than 100 feet apart. Signs shall also be posted in riparian lands adjacent to that portion of the shoreline.
 - (B) Subject to sub-subparagraph (C), for an area of impact of 2 or more acres, at all access sites, boat launching areas, and private and public parks located on the waterbody in conspicuous locations, such as at the entrances, boat ramps, and bulletin boards, if permitted by managers or owners. If the access sites, launching areas, and parks are not to be treated or are not adjacent to the area of impact, then the signs shall clearly indicate the location of the area of impact.
 - (C) At alternative posting locations approved by the department upon a determination that the locations where signs are otherwise required to be posted are impractical or unfeasible. The department's determination shall be based on a written request from the applicant that includes an explanation of the need for alternative posting locations and a description of the proposed alternative posting locations.
 - (iii) The department shall specify by rule the information required to be on the signs.
- (e) Publish a notice in a local newspaper or make an announcement on a local radio station regarding the chemical treatment. The notice or announcement shall include all of the following information:
 - (i) The permit number.
 - (ii) The name of the waterbody.
 - (iii) A list of the chemicals to be used with corresponding water use restrictions.
 - (iv) A description of the area of impact.
 - (v) The proposed treatment dates.
- (f) Apply chemicals so that swimming restrictions and fish consumption restrictions are not imposed on any Saturday, Sunday, or state-declared holiday.
- (g) Take special precautions to avoid or minimize potential impacts to human health, the environment, and nontarget organisms.
- (h) Notify, in writing, an owner of any waterfront property within 100 feet of the area of impact, not less than 7 days and not more than 45 days before the initial chemical treatment. However, if the owner is not the occupant of the waterfront property or the dwelling located on the property, then the owner is responsible for notifying the occupant. Written notification shall include all of the following information:
 - (i) Name, address, and telephone number of the permittee.
 - (ii) A list of chemicals proposed for use with corresponding water use restrictions.
 - (iii) Approximate treatment dates for each chemical to be used.
 - (i) Complete and return the treatment report form provided by the department for each treatment season.
 - (j) Perform lake water residue analysis to verify the chemical concentrations in the waterbody according to a frequency, timing, and methodology approved by the department.
 - (k) Before submitting a permit application, perform aquatic vegetation surveys according to a frequency, timing, and methodology approved by the department.
 - (l) Use chemical control methods for nuisance aquatic vegetation that are consistent with the approved vegetation management plan submitted separately or as part of a lake management plan. The department may approve modifications to the vegetation management plan upon receipt of a written request from the permittee that includes supporting documentation.
 - (m) Perform pretreatment monitoring of the target aquatic nuisance population according to a frequency, timing, and methodology that has been approved by the department before submittal of a permit application.

History: Add. 2004, Act 246, Eff. Oct. 1, 2004

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