

Act No. 100  
Public Acts of 1995  
Approved by the Governor  
June 22, 1995  
Filed with the Secretary of State  
June 22, 1995

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1995**

Introduced by Rep. Llewellyn

# **ENROLLED HOUSE BILL No. 4211**

AN ACT to amend section 31506 of Act No. 451 of the Public Acts of 1994, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," as added by Act No. 59 of the Public Acts of 1995, being section 324.31506 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 31506 of Act No. 451 of the Public Acts of 1994, as added by Act No. 59 of the Public Acts of 1995, being section 324.31506 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 31506. (1) Except as otherwise provided in subsections (2) and (3), dams and impoundments in the state are under the jurisdiction of the department.

(2) The following are exempt from this part:

(a) Projects licensed, projects that have preliminary permits, or projects for which an application for licensure has been filed under the federal power act, chapter 285, 41 Stat. 1063, 16 U.S.C. 791a to 793, 796 to 797, 798 to 818, 820 to 824a, and 824b to 825r, if federal dam safety inspection provisions apply during the license period and the inspection reports are provided to the department.

(b) Projects located on boundary waters under the jurisdiction and supervision of the United States army corps of engineers.

(c) Impoundments licensed pursuant to part 115 that contain or are designed to contain type III wastes as defined in rules promulgated under that part.

(3) Until January 1, 1998, a permit shall not be required under this part for the repair, reconstruction, or improvement of a dam, a portion of which is at least 75 years old, was damaged or destroyed by an act of God and is located in a county that has a per capita income of less than \$8,500.00. However, a person who is performing a project for the repair, reconstruction, or improvement of a dam that is exempt from obtaining a permit under this subsection shall submit to the department and the joint capital outlay committee plans and specifications for the project. These plans and specifications shall be prepared by a licensed professional engineer and shall meet acceptable standards in the industry in order for a dam to be repaired, reconstructed, or improved. In reviewing plans and specifications for the project, the joint capital outlay committee may recommend environmental considerations to protect water quality such as underspill devices, minimum flow releases and removal of contaminated sediments that may be resuspended in the water column upon impoundment. Such contaminated sediments shall be disposed of in accordance with state law.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved -----

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Governor.

