

HOUSE BILL No. 4470

April 14, 1999, Introduced by Reps. Birkholz and DeVuyst and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3118 (MCL 324.3118), as amended by 1995 PA 169.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3118. (1) Until October 1, ~~1999~~ 2003, the department
2 shall collect storm water discharge fees from persons who apply
3 for or have been issued storm water discharge permits as
4 follows:

5 (a) The fee for a permit related solely to a site of con-
6 struction activity is a 1-time fee of \$125.00 per permitted
7 site. The fee shall be submitted by the permit applicant with
8 his or her application for a general or individual permit. If
9 rules promulgated under this part provide for a permit by rule,
10 the fee shall be submitted by the construction permittee along

1 with his or her notice of coverage. A person needing more than 1
2 permit may submit a single payment for more than 1 permit and
3 receive appropriate credit. Payment of the fee under this subdi-
4 vision or verification of prepayment is a necessary part of a
5 valid permit application or notice of coverage under a permit by
6 rule.

7 (b) The fee for a permit not related solely to a site of
8 construction activity is \$200.00. ~~to be paid as follows:~~

9 ~~(i) A person who, before March 1, 1994, has applied for or
10 been issued a permit not related solely to a site of construction
11 activity shall be assessed a fee in the fiscal year ending
12 September 30, 1994. The department shall notify those persons of
13 their fee assessments by March 31, 1994 and payment shall be
14 postmarked no later than May 15, 1994. The department shall not
15 assess a fee for applications received before October 1, 1993 for
16 which a permit has been denied or for a permit that has expired
17 before October 1, 1993 without application for reissuance.~~

18 ~~(ii) In the fiscal year beginning October 1, 1994 and in
19 FOR each following fiscal year, a person possessing a permit
20 not related solely to a site of construction activity as of
21 January 1 of that fiscal year shall be assessed ~~a~~ THE fee. The
22 department shall notify those persons of their fee assessments by
23 February 1 of that fiscal year. Payment shall be postmarked no
24 later than March 15 of that fiscal year.~~

25 (2) The department shall assess interest on all fee payments
26 submitted under this section after the due date. The permittee
27 shall pay an additional amount equal to 0.75% of the payment due

1 for each month or portion of a month the payment remains past
2 due.

3 (3) The department shall forward all fees collected under
4 this section to the state treasurer for deposit into the fund.

5 (4) The department shall make payment of the required fee
6 assessed under this section a condition of a permit not related
7 solely to a site of construction activity at the time of permit
8 issuance or reissuance.

9 (5) If a person fails to pay the fee required under this
10 section in full, plus any interest accrued, by October 1 of the
11 year following the date of notification of the fee assessment,
12 the department may revoke the permit held by that person. The
13 failure by a person to pay a fee imposed by this section is a
14 violation of this part and subjects that person to the penalty
15 provisions in section 3115.

16 (6) Within 1 year after the reauthorization of the clean
17 water act, the department shall convene a committee to review the
18 storm water discharge fee system provided in this section. The
19 committee shall be composed of a member of the department and
20 representatives of groups affected by the storm water discharge
21 fee. The committee shall make recommendations for changes in the
22 fee system to the department and to the chairpersons of the house
23 and senate appropriations committees.

24 (7) As used in this section and section 3119:

25 (a) "Clean water act" means the federal water pollution con-
26 trol act, chapter 758, 86 Stat. 816, 33 U.S.C. 1251 to 1252, 1253
27 to 1254, 1255 to 1257, 1258 to 1263, 1265 to 1270, 1281, 1282 to

1 1293, 1294 to 1299, 1311 to 1313, 1314 to ~~1326, 1328 to~~ 1330,
2 1341 to 1345, 1361 to 1377, and 1381 to 1387.

3 (b) "Construction activity" means a human-made earth change
4 or disturbance in the existing cover or topography of land that
5 is 5 acres or more in size, for which a national permit is
6 required pursuant to 40 C.F.R. 122.26(a), and which is described
7 as a construction activity in 40 C.F.R. 122.26(b)(14)(x).
8 Construction activity includes clearing, grading, and excavating
9 activities. Construction activity does not include the practice
10 of clearing, plowing, tilling soil, and harvesting for the pur-
11 pose of crop production.

12 (c) "Fee" means a storm water discharge fee authorized under
13 this section.

14 (d) "Fiscal year" means the state fiscal year beginning
15 October 1 and ending September 30.

16 (e) "Fund" means the storm water fund created in
17 section 3119.

18 (f) "Permit" or "storm water discharge permit" means a
19 permit authorizing the discharge of wastewater or any other sub-
20 stance to surface waters of the state under the national pollut-
21 ant discharge elimination system pursuant to the clean water act
22 or this part and the rules and regulations promulgated under that
23 act or this part.

24 (g) "Storm water" means storm water runoff, snowmelt runoff,
25 and surface runoff and drainage.