

Act No. 35  
Public Acts of 1999  
Approved by the Governor  
June 2, 1999  
Filed with the Secretary of State  
June 3, 1999  
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STATE OF MICHIGAN  
90TH LEGISLATURE  
REGULAR SESSION OF 1999

Introduced by Reps. Birkholz and DeVuyst

## ENROLLED HOUSE BILL No. 4470

AN ACT to amend 1994 PA 451, 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 provide certain appropriations; 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," by amending section 3118 (MCL 324.3118), as amended by 1995 PA 169.

*The People of the State of Michigan enact:*

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

(a) The fee for a permit related solely to a site of construction activity is a 1-time fee of \$125.00 per permitted site. The fee shall be submitted by the permit applicant with his or her application for a general or individual permit. If rules promulgated under this part provide for a permit by rule, the fee shall be submitted by the construction permittee along with his or her notice of coverage. A person needing more than 1 permit may submit a single payment for more than 1 permit and receive appropriate credit. Payment of the fee under this subdivision or verification of prepayment is a necessary part of a valid permit application or notice of coverage under a permit by rule.

(b) The fee for a permit not related solely to a site of construction activity is \$200.00. For each fiscal year, a person possessing a permit not related solely to a site of construction activity as of January 1 of that fiscal year shall be assessed the fee. The department shall notify those persons of their fee assessments by February 1 of that fiscal year. Payment shall be postmarked no later than March 15 of that fiscal year.

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

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

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

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

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

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

(a) "Clean water act" means the federal water pollution control act, chapter 758, 86 Stat. 816, 33 U.S.C. 1251 to 1252, 1253 to 1254, 1255 to 1257, 1258 to 1263, 1265 to 1270, 1281, 1282 to 1293, 1294 to 1299, 1311 to 1313, 1314 to 1330, 1341 to 1345, 1361 to 1377, and 1381 to 1387.

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

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

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

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

(f) "Permit" or "storm water discharge permit" means a permit authorizing the discharge of wastewater or any other substance to surface waters of the state under the national pollutant discharge elimination system pursuant to the clean water act or this part and the rules and regulations promulgated under that act or this part.

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

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.