

# HOUSE BILL No. 5876

May 12, 2004, Introduced by Reps. Sheen, Richardville, Shackleton, Stahl, Palsrok, Voorhees, Amos, Taub, LaJoy, Meyer, Garfield, Nitz, Milosch, DeRoche, Pumford, Hummel, Koetje, Steil, Bisbee, Hune, Tabor, Shaffer, DeRossett, Ehardt, Gaffney, Newell, Caswell, Walker, Moolenaar, Acciavatti, Kooiman, Hoogendyk, Huizenga, Caul and Nofs and referred to the Committee on Agriculture and Resource Management.

A bill to amend 1994 PA 451, entitled

"Natural resources and environmental protection act,"

by amending sections 3104, 3113, 3503, 4105, 6516, 6517, 6521, 8308, 8310, 8504, 9112, 11509, 11511, 11512, 11516, 11542, 11703, 11704, 11709, 30104, 30105, 30113, 30304, 30307, 31509, 31512, 32312, 32503, 32515, 32606, 35304, 36505, 41702, 41709, 42101, 42501, 42702, 44513, 44517, 45503, 45902, 45903, 45906, 51311, 61525, 62509, 63103c, 63524, 63525, 63704, 63708, 72108, 76105, 76109, 76504, and 80159 (MCL 324.3104, 324.3113, 324.3503, 324.4105, 324.6516, 324.6517, 324.6521, 324.8308, 324.8310, 324.8504, 324.9112, 324.11509, 324.11511, 324.11512, 324.11516, 324.11542, 324.11703, 324.11704, 324.11709, 324.30104, 324.30105, 324.30113, 324.30304, 324.30307, 324.31509, 324.31512, 324.32312, 324.32503, 324.32515, 324.32606, 324.35304, 324.36505, 324.41702, 324.41709, 324.42101, 324.42501, 324.42702, 324.44513, 324.44517,

324.45503, 324.45902, 324.45903, 324.45906, 324.51311, 324.61525, 324.62509, 324.63103c, 324.63524, 324.63525, 324.63704, 324.63708, 324.72108, 324.76105, 324.76109, 324.76504, and 324.80159), sections 3104, 30104, and 32312 as amended by 2003 PA 163, sections 3503, 6521, and 8504 as added by 1995 PA 60, sections 6516 and 6517 as amended by 1996 PA 166, section 8310 as amended by 2002 PA 418, section 9112 as amended by 2000 PA 504, sections 11509 and 11511 as amended by 1996 PA 358, sections 11512 and 11516 as amended by 2003 PA 153, section 11542 as amended by 1996 PA 359, section 30105 as amended by 1999 PA 106, section 30113 as amended by 1995 PA 171, sections 30304, 31509, 31512, 32515, and 35304 as added by 1995 PA 59, section 30307 as amended by 1998 PA 228, section 32503 as amended by 2002 PA 148, section 32606 as added by 2000 PA 278, section 36505 as amended by 1998 PA 470, section 41702 as amended by 2001 PA 23, sections 41709, 42101, 42501, 44513, 44517, 45503, 45903, 51311, 63525, 63704, and 63708 as added by 1995 PA 57, section 42702 as amended by 2000 PA 191, section 45902 as amended by 1996 PA 200, section 45906 as amended by 2003 PA 270, section 61525 as amended by 1998 PA 303, section 62509 as amended by 1998 PA 467, section 63103c as added by 1997 PA 149, sections 63524 and 76504 as amended by 2001 PA 78, sections 72108 and 80159 as added by 1995 PA 58, and sections 76105 and 76109 as amended by 2001 PA 75, and by adding sections 1301, 1303, 1305, 1307, 1309, 1311, and 1313.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **Sec. 1301. As used in this part:**

2           **(a) "Department" means the department or agency authorized by**

1 this act to approve or deny an application for a particular  
2 permit, or an officer thereof.

3 (b) "Permit" means a permit or operating license provided for  
4 under any of the following sections or rules promulgated  
5 thereunder:

6 (i) Section 3104, floodplain alteration permit.

7 (ii) Section 3113, water pollution discharge permit.

8 (iii) Section 3503, permit for use of water in mining iron  
9 ore.

10 (iv) Section 4105, sewerage system construction permit.

11 (v) Section 6516, vehicle testing license.

12 (vi) Section 6521, motor vehicle fleet testing permit.

13 (vii) Section 8308, experimental pesticide permit.

14 (viii) Section 8310, restricted use pesticide dealer business  
15 location license.

16 (ix) Section 8504, license to manufacture or distribute  
17 fertilizer.

18 (x) Section 9112, local soil erosion and sedimentation  
19 control permit.

20 (xi) Section 11509, solid waste disposal area construction  
21 permit.

22 (xii) Section 11512, solid waste disposal area operating  
23 license.

24 (xiii) Section 11542, municipal solid waste incinerator ash  
25 landfill operating license amendment.

26 (xiv) Section 11703, septage waste servicing license.

27 (xv) Section 11704, septage waste vehicle license.

- 1           (xvi) Section 11709, septage waste disposal permit.
- 2           (xvii) Section 30104, inland lakes and streams project  
3 permit.
- 4           (xviii) Section 30304 or 30307, state or local permit for  
5 dredging, filling, or other activity in wetland.
- 6           (xix) Section 31509, dam construction, repair, removal  
7 permit.
- 8           (xx) Section 32312, flood risk, high risk, or environmental  
9 area permit.
- 10          (xxi) Section 32503, permit for dredging and filling  
11 bottomland.
- 12          (xxii) Section 32515, artificial waterway permit.
- 13          (xxiii) Section 32606, submerged log removal permit.
- 14          (xxiv) Section 35304, department permit for critical dune  
15 area use.
- 16          (xxv) Section 36505, endangered species permit.
- 17          (xxvi) Section 41702, game bird hunting preserve license.
- 18          (xxvii) Section 42101, dog training area permit.
- 19          (xxviii) Section 42501, fur dealer's license.
- 20          (xxix) Section 42702, game dealer's license.
- 21          (xxx) Section 44513, charter boat operating permit under  
22 reciprocal agreement.
- 23          (xxxi) Section 44517, boat livery operating permit.
- 24          (xxxii) Section 45503, permit to take frogs for scientific  
25 use.
- 26          (xxxiii) Section 45902, game fish propagation license.
- 27          (xxxiv) Section 45906, game fish import license.

- 1           (xxxv) Section 51311, timber harvesting license.
- 2           (xxxvi) Section 61525, oil or gas well drilling permit.
- 3           (xxxvii) Section 62509, brine, storage, or waste disposal  
4 well drilling or conversion permit or test well drilling permit.
- 5           (xxxviii) Section 63103c, metallic mineral mining permit.
- 6           (xxxix) Sections 63524 and 63525, surface coal mining and  
7 reclamation permit or revision thereof.
- 8           (xl) Section 63708, sand dune mining permit.
- 9           (xli) Section 72108, use permits for Michigan trailway.
- 10          (xlii) Section 76109, sunken aircraft or watercraft abandoned  
11 property recovery permit.
- 12          (xliii) Section 76504, Mackinac Island motor vehicle and land  
13 use permits.
- 14          (xliv) Section 80159, buoy or beacon permit.
- 15          (c) "Processing deadline" means the last day of the  
16 processing period.
- 17          (d) "Processing period" means, subject to section 1309, the  
18 following time period after receipt of an application for the  
19 following permit, as applicable:
- 20           (i) Ten days, for a permit under section 61525 or 62509.
- 21           (ii) Thirty days, for a permit under section 9112 or 76109.
- 22           (iii) Sixty days, for a permit under section 3104, 32312,  
23 32503, 32515, or 63103c.
- 24           (iv) Sixty days, or if a hearing is held, 90 days for a  
25 permit under section 30104 or 35304.
- 26           (v) Sixty days, or if a hearing is held, 120 days for a  
27 permit under section 31512.

1           (vi) Ninety days, for a permit under section 11512, a local  
2 permit under section 30307, or a permit under section 63525.

3           (vii) Ninety days, or if a hearing is held, 90 days after the  
4 hearing, for a state permit under section 30304.

5           (viii) Ninety days after the close of the comment period, or  
6 if a hearing is held, 90 days after the hearing for a permit  
7 under section 32606.

8           (ix) One hundred and twenty days for a permit under section  
9 11509 or 11542.

10          (x) For any other permit, 26 weeks, or if a hearing is held,  
11 13 weeks after the hearing.

12          Sec. 1303. (1) An application for a permit shall be  
13 submitted to the department in a format to be developed by the  
14 department, except as provided in section 30307 with respect to a  
15 state wetland permit.

16          (2) The department shall, upon request and without charge,  
17 provide a person a copy of all of the following:

18           (a) A blank permit application form.

19           (b) In concise form, any instructions necessary to complete  
20 the application.

21           (c) A complete, yet concise, explanation of the permit review  
22 process.

23          (3) The department shall post the documents described in  
24 subsection (2) on its website.

25          Sec. 1305. (1) By the processing deadline, the department  
26 shall approve or deny an administratively complete application  
27 for a permit. Approval may be granted with conditions or

1 modifications necessary to achieve compliance with the part of  
2 this act under which the permit is issued.

3 (2) A denial of an application for a permit shall include an  
4 explanation of the reasons for denial and make specific reference  
5 to provisions of this act or rules promulgated under this act  
6 providing the basis for denial.

7 (3) Except for permits described in subsection (4), if the  
8 department fails to satisfy the requirements of subsection (1),  
9 the department shall refund the permit application fee, if any,  
10 and shall reduce the application fee for the applicant's next  
11 renewal application for the same activity or facility, if any, by  
12 15%.

13 (4) If the department fails to satisfy the requirements of  
14 subsection (1) with respect to a permit under section 11509,  
15 11512, or 30307, the application shall be considered to be  
16 approved and the department shall be considered to have made any  
17 determination required for approval.

18 Sec. 1307. (1) If the department determines that an  
19 application for a permit is not administratively complete, the  
20 department shall notify the applicant in writing. The notice  
21 shall identify the information necessary to make the application  
22 administratively complete. The applicant may submit information  
23 necessary to make the application administratively complete.

24 (2) The department shall also notify the applicant under  
25 subsection (1) if either of the following applies:

26 (a) After notifying an applicant under subsection (1), the  
27 department finds additional reasons for determining that the

1 application is not administratively complete.

2 (b) The applicant submits additional information, but does  
3 not submit all of the information previously identified by the  
4 department as necessary to make the application administratively  
5 complete.

6 (3) If an application is required to be accompanied by a fee,  
7 the application is not administratively complete unless the fee  
8 has been paid.

9 Sec. 1309. If, within 10 days after receipt of the original  
10 application for a permit, the department notifies an applicant  
11 under section 1307(1) that the application is not  
12 administratively complete, the processing period is tolled from  
13 the date notice is given until either of the following, whichever  
14 occurs first:

15 (a) The department determines that the application is  
16 administratively complete.

17 (b) Ten days have elapsed after the applicant has provided  
18 additional information and the department has not notified the  
19 applicant under section 1307(2)(b) that the application is still  
20 administratively incomplete.

21 Sec. 1311. If a person submits applications for more than 1  
22 type of permit for a particular development or project, the  
23 department or departments shall process the applications in a  
24 coordinated fashion and designate a primary contact person for  
25 communications with the applicant on all of the permit  
26 applications.

27 Sec. 1313. The director of the department shall submit a

1 report by January 31, 2005 and each year thereafter to the  
2 standing committees and appropriations subcommittees of the  
3 senate and house of representatives with primary responsibility  
4 for issues under the jurisdiction of that department. The report  
5 shall include all of the following information for each type of  
6 permit for the preceding calendar year:

7 (a) The number of applications for permits the department  
8 received.

9 (b) The number of applications approved, the number of  
10 applications approved by the processing deadline, and the number  
11 of applications approved after the processing deadline.

12 (c) The number of applications denied, the number of  
13 applications denied by the processing deadline, and the number of  
14 applications denied after the processing deadline.

15 (d) The number of applications that were not administratively  
16 complete when received.

17 (e) The number of applications processed as provided in  
18 section 1311.

19 (f) The average time for an applicant to respond to a request  
20 for information to make an application administratively  
21 complete.

22 (g) The amount of money refunded and discounts granted under  
23 section 1305.

24 (h) The average and the median amount of time for processing  
25 each of the following:

26 (i) Applications the fee for which was refunded under section  
27 1305.

1           (ii) Applications the fee for which was discounted under  
2 section 1305.

3           Sec. 3104. (1) The department is designated the state  
4 agency to cooperate and negotiate with other governments,  
5 governmental units, and governmental agencies in matters  
6 concerning the water resources of the state, including, but not  
7 limited to, flood control, beach erosion control, and water  
8 quality control planning, development, and management. The  
9 department shall have control over the alterations of natural or  
10 present watercourses of all rivers and streams in the state to  
11 assure that the channels and the portions of the floodplains that  
12 are the floodways are not inhabited and are kept free and clear  
13 of interference or obstruction that will cause any undue  
14 restriction of the capacity of the floodway. The department may  
15 take steps as may be necessary to take advantage of any act of  
16 congress that may be of assistance in carrying out the purposes  
17 of this part, including the water resources planning act, ~~Public~~  
18 ~~Law 89-80, 42 U.S.C. 1962 to 1962-1 and 1962a-~~ **42 USC 1962** to  
19 1962d-3, and the federal water pollution control act, ~~chapter~~  
20 ~~758, 86 Stat. 816, 33 U.S.C. 1251 to 1252, 1253 to 1254, 1255 to~~  
21 ~~1257, 1258 to 1263, 1265 to 1270, 1273 to 1274, 1281, 1282 to~~  
22 ~~1293, 1294 to 1301, 1311 to 1313, 1314 to 1330, 1341 to 1346,~~  
23 ~~1361 to 1375, 1376 to 1377, and 1381-~~ **33 USC 1251** to 1387.

24           (2) The department shall report to the governor and to the  
25 legislature at least annually **on** any plans or projects being  
26 implemented or considered for implementation. ~~and shall include~~  
27 ~~in the~~ **The report shall include** requests for any legislation

1 needed to implement any proposed projects or agreements made  
2 necessary as a result of a plan or project, together with any  
3 requests for appropriations. The department may make  
4 recommendations to the governor on the designation of areawide  
5 water quality planning regions and organizations relative to the  
6 governor's responsibilities under the federal water pollution  
7 control act, **33 USC 1251 to 1387**.

8 (3) A person shall ~~submit an application for a permit to~~  
9 ~~alter a floodplain on a form approved by the department and not~~  
10 **alter a floodplain except as authorized by a floodplain permit**  
11 **issued by the department pursuant to part 13. An application for**  
12 **a permit** shall include information that may be required by the  
13 department to assess the proposed alteration's impact on the  
14 floodplain. If an alteration includes activities at multiple  
15 locations in a floodplain, 1 application may be filed for  
16 combined activities.

17 (4) Except as provided in subsections (5), (6), and (8),  
18 until October 1, 2008, an application for a floodplain permit  
19 shall be accompanied by a fee of \$500.00. Until October 1, 2008,  
20 if the department determines that engineering computations are  
21 required to assess the impact of a proposed floodplain alteration  
22 on flood stage or discharge characteristics, the department shall  
23 assess the applicant an additional \$1,500.00 to cover the  
24 department's cost of review.

25 (5) Until October 1, 2008, an application for a floodplain  
26 permit for a minor project category shall be accompanied by a fee  
27 of \$100.00. Minor project categories shall be established by

1 rule and shall include activities and projects that are similar  
2 in nature and have minimal potential for causing harmful  
3 interference.

4 (6) If work has been done in violation of a permit  
5 requirement under this part and restoration is not ordered by the  
6 department, the department may accept an application for a permit  
7 **for that work** if the application is accompanied by a fee equal to  
8 2 times the permit fee required under subsection (4) or (5).

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

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

15 (a) Part 301.

16 (b) Part 303.

17 (c) Part 323.

18 (d) Part 325.

19 (e) Section 117 of the land division act, 1967 PA 288, MCL  
20 560.117.

21 Sec. 3113. (1) A person ~~who seeks~~ **shall not make** a new or  
22 increased use of the waters of the state for sewage or other  
23 waste disposal purposes ~~shall file with the department an~~  
24 ~~application setting forth~~ **except as authorized by a permit**  
25 **issued by the department pursuant to part 13. An application for**  
26 **a permit shall include** the information required by the  
27 department, including the nature of the enterprise or development

1 contemplated, the amount of water required to be used, its  
2 source, the proposed point of discharge of the wastes into the  
3 waters of the state, the estimated amount to be discharged, and a  
4 statement setting forth the expected bacterial, physical,  
5 chemical, and other known characteristics of the wastes.

6 (2) ~~Within 180 days after receipt of a complete application,~~  
7 ~~the department shall either grant or deny a permit, unless the~~  
8 ~~applicant and the department agree to extend this time period.~~  
9 If a permit is granted, the department shall condition the permit  
10 upon such restrictions that the department considers necessary to  
11 adequately guard against unlawful uses of the waters of the state  
12 as are set forth in section 3109.

13 (3) If the permit or denial of a new or increased use is not  
14 acceptable to the permittee, the applicant, or any other person,  
15 the permittee, the applicant, or other person may file a sworn  
16 petition with the department setting forth the grounds and  
17 reasons for the complaint and asking for a contested case hearing  
18 on the matter pursuant to the administrative procedures act of  
19 1969, ~~Act No. 306 of the Public Acts of 1969, being sections~~  
20 ~~24.201 to 24.328 of the Michigan Compiled Laws— 1969 PA 306, MCL~~  
21 **24.201 to 24.328.** A petition filed more than 60 days after  
22 action on the permit application may be rejected by the  
23 ~~commission~~ **department** as being untimely.

24 Sec. 3503. ~~The department may grant permits for the~~  
25 ~~drainage, diversion~~ **A person shall not drain, divert,** control,  
26 or use ~~of water when necessary~~ **water** for the operation of a  
27 low-grade iron ore mining property ~~. The operator of the~~

1 ~~low grade iron ore mining property may make application for the~~  
2 ~~permit to the department in the form prescribed by the~~  
3 ~~department. The application shall contain~~ **except as authorized**  
4 **by a permit issued by the department pursuant to part 13. An**  
5 **application for a permit shall include** information and data as  
6 may be prescribed by the department in its rules and  
7 regulations. Not later than 60 days following receipt of an  
8 application, the department shall fix the time and place for a  
9 public hearing on the application and shall publish notice of the  
10 hearing. The notice shall be published twice in each county  
11 involved in at least 1 newspaper of general circulation in the  
12 county. At the hearing, the applicant and any other interested  
13 party may appear, present witnesses, and submit evidence.  
14 Following the hearing, the department may grant the permit and  
15 publish notice of the granting of the permit, in the manner  
16 provided for publication of notice of hearing, upon finding the  
17 following conditions:

18 (a) That the proposed drainage, diversion, control, or use of  
19 waters is necessary for the mining of substantial deposits of  
20 low-grade iron ore, and that other feasible and economical  
21 methods of obtaining a continuing supply of water for that  
22 purpose are not available to the applicant.

23 (b) That the proposed drainage, diversion, control, or use of  
24 waters will not unreasonably impair the interests of the public  
25 or of riparians in lands or waters or the beneficial public use  
26 of lands, and will not endanger the public health or safety.

27 Sec. 4105. (1) The mayor of each city, the president of

1 each village, the township supervisor **of each township**, the  
2 responsible executive officer of a governmental agency, and all  
3 other persons operating sewerage systems in this state shall file  
4 with the department a true copy of the plans and specifications  
5 of the entire sewerage system owned or operated by that person,  
6 including **any** filtration or other purification plant or treatment  
7 works as may be operated in connection with the sewerage system,  
8 and also plans and specifications of all alterations, additions,  
9 or improvements to the systems that may be made. The plans and  
10 specifications shall, in addition to all other ~~things~~  
11 **requirements**, show all the sources through or from which water is  
12 or may be at any time pumped or otherwise permitted to enter into  
13 the sewerage system, and the drain, watercourse, river, or lake  
14 into which sewage is to be discharged. The plans and  
15 specifications shall be certified by the mayor ~~and city engineer~~  
16 ~~of a city, by the president and engineer if employed for a~~  
17 ~~village, by the proper officer and the engineer employed by any~~  
18 ~~other governmental agency, association, or private corporation~~  
19 ~~for the governmental agency, association, or private corporation,~~  
20 ~~and by an individual member of a partnership, or by the~~  
21 ~~individual owner of a sewerage system owned and operated by a~~  
22 ~~partnership or 1 or more individuals, including the engineer~~  
23 ~~employed, if any. Before constructing a sewerage system,~~  
24 ~~filtration or other purification plant, or treatment works or any~~  
25 ~~alteration, addition, or improvement to the system or plant, the~~  
26 ~~mayor of each city, the president of each village, and the~~  
27 ~~responsible official of all other governmental agencies,~~

1 ~~associations, private corporations, and partnerships or~~  
2 ~~individuals shall submit the plans and specifications to the~~  
3 ~~department and secure from the department a permit for~~  
4 ~~construction. The department may promulgate and enforce rules~~  
5 ~~regarding the preparation and submission of plans and~~  
6 ~~specifications and for the issuance and period of validity of~~  
7 ~~construction permits for the work. A contractor, builder,~~  
8 ~~governmental agency, corporation, association, partnership, or~~  
9 ~~individual shall not engage in or commence the construction of a~~  
10 ~~sewerage system, filtration or other purification plant, or~~  
11 ~~treatment works or an alteration, addition, or improvement until~~  
12 ~~a valid permit for the construction is secured from the~~  
13 ~~department. An official of the governmental agency, corporation,~~  
14 ~~association, partnership, or individual shall not issue a voucher~~  
15 ~~or check, or in any other way expend the money of the~~  
16 ~~governmental agency, corporation, association, partnership, or~~  
17 ~~individual, for the construction unless a valid permit issued by~~  
18 ~~the department is in effect~~ of a city, the president of a  
19 village, a responsible member of a partnership, an individual  
20 owner, or the proper officer of any other person that operates a  
21 sewerage system, as well as by the engineer, if any are employed  
22 by any such operator.

23 (2) A person shall not construct a sewerage system or any  
24 filtration or other purification plant or treatment works in  
25 connection with a sewerage system except as authorized by a  
26 construction permit issued by the department pursuant to part  
27 13. A person shall not issue a voucher or check or otherwise

1 expend money for such construction unless such a permit has been  
2 issued. An application for a permit shall be submitted by the  
3 mayor of a city, the president of a village, a responsible member  
4 of a partnership, an individual owner, or the proper officer of  
5 any other person proposing the construction. An application for  
6 a permit shall include plans and specifications as described in  
7 subsection (1).

8 (3) ~~(2)~~ A municipal officer or an officer or agent of a  
9 governmental agency, corporation, association, partnership, or  
10 individual who permits or allows construction to proceed on a  
11 sewerage works without a valid permit, or in a manner not in  
12 accordance with the plans and specifications approved by the  
13 department, is guilty of a misdemeanor **punishable by a fine of**  
14 **not more than \$500.00 or imprisonment for not more than 90 days,**  
15 **or both.**

16 Sec. 6516. (1) A person shall not engage in the business of  
17 inspecting motor vehicles under this part ~~unless the person has~~  
18 ~~received~~ **except as authorized by** a license to operate a testing  
19 station ~~from the department~~ **issued by the department pursuant**  
20 **to part 13.**

21 (2) A person shall not be licensed to operate a testing  
22 station unless the person has an established place of business  
23 where inspections are to be performed during regular business  
24 hours, where records required by this part and the rules  
25 promulgated under this part are to be maintained, and that is  
26 equipped with an instrument or instruments of a type that comply  
27 with and are capable of performing inspections of motor vehicles

1 under this part.

2 (3) A person licensed as a testing station shall perform  
3 inspections under this part at the established place of business  
4 for which the person is licensed. A person shall inform the  
5 department immediately of a change in the address of an  
6 established place of business at which the person is licensed as  
7 a testing station.

8 (4) A person shall obtain a separate license and pay a  
9 separate fee for each established place of business at which a  
10 testing station is to be operated.

11 (5) A testing station may establish and operate mobile or  
12 temporary testing station locations if they meet all of the  
13 following conditions:

14 (a) The instrument used at the mobile or temporary location  
15 is capable of meeting the performance specifications for  
16 instruments set forth in rules promulgated under this part while  
17 operating in the mobile or temporary station environment.

18 (b) The owner of a motor vehicle inspected at the mobile or  
19 temporary location shall be provided with a free reinspection of  
20 the motor vehicle, at the established place of business of the  
21 testing station or at any mobile or temporary testing station  
22 location operated by the testing station.

23 (c) Personnel at the licensed established place of business  
24 location shall, at all times, know the location and hours of  
25 operation of the mobile or temporary testing station or  
26 stations.

27 (d) The records required by this part and the rules

1 promulgated under this part relating to inspections performed and  
2 the instrument or instruments used at a mobile or temporary  
3 testing station shall be maintained at a single established place  
4 of business that is licensed as a testing station.

5 (e) The documents printed as required by the rules  
6 **promulgated under this part** by an instrument used at a mobile or  
7 temporary testing station location shall contain the testing  
8 station number and the name, address, and telephone number of the  
9 testing station's established place of business.

10 (6) A testing station may use remote sensing devices as a  
11 complement to testing otherwise required by this part.

12 (7) A testing station shall not cause or permit an inspection  
13 of a motor vehicle to be performed by a person other than an  
14 emission inspector using an instrument of a type that complies  
15 with the rules promulgated under this part.

16 (8) A testing station shall display a valid testing station  
17 license issued by the department in a place and manner  
18 conspicuous to its customers.

19 Sec. 6517. ~~-(1) Application for original and replacement~~  
20 ~~testing station licenses shall be submitted on forms provided by~~  
21 ~~the department.~~

22 (1) ~~-(2) An applicant~~ **application** for a testing station  
23 license shall ~~submit to the department~~ **include** a description of  
24 the business to be licensed. ~~—, which~~ **The description** shall  
25 include, in addition to other information required by this part  
26 and the rules promulgated under this part, all of the following:

27 (a) The repair facility registration number issued to the

1 applicant if the applicant is licensed under the motor vehicle  
2 service and repair act, ~~Act No. 300 of the Public Acts of 1974,~~  
3 ~~being sections 257.1301 to 257.1340 of the Michigan Compiled~~  
4 ~~Laws~~ **1974 PA 300, MCL 257.1301 to 257.1340.**

5 (b) The name of the business and the address of the business  
6 location for which a testing station license is being sought.

7 (c) The name and address of each owner of the business in the  
8 case of a sole proprietorship or a partnership and, in the case  
9 of a corporation, the name and address of each officer and  
10 director and of each owner of 25% or more of the corporation.

11 (d) The name **of** and identification number issued by the  
12 department ~~of~~ **for** each emission inspector employed by the  
13 applicant.

14 (e) A description, including the model and serial number, of  
15 each instrument to be used by the applicant to perform  
16 inspections or reinspections under this part and the rules  
17 promulgated under this part and the date the instrument was  
18 purchased by the applicant.

19 (f) The estimated capacity of the applicant to perform  
20 inspections.

21 **(2)** ~~—(3)—~~ The fee for a testing station license is \$50.00 and  
22 shall accompany the application for a license submitted to the  
23 department.

24 **(3)** ~~—(4)—~~ A testing station license shall take effect on the  
25 date it is approved by the department and shall remain in effect  
26 until this part expires, the license is surrendered by the  
27 station, revoked or suspended by the department, or until the

1 motor vehicle repair facility registration of the business has  
2 been revoked or suspended by the department of state, surrendered  
3 by the facility, or has expired without timely renewal.

4       (4) ~~-(5)-~~ If a testing station license has expired by reason  
5 of surrender, revocation, or expiration of repair facility  
6 registration, the business shall not resume operation as a  
7 testing station until the repair facility registration has been  
8 reinstated and a new, original application for a testing station  
9 license has been received and approved by the department and a  
10 new license fee paid.

11       (5) ~~-(6)-~~ When the repair facility registration has been  
12 suspended, the testing station may resume operation without a new  
13 application when the repair facility registration suspension has  
14 ended.

15       Sec. 6521. (1) A fleet owner or lessee shall not perform  
16 inspections under this part or the rules promulgated under this  
17 part ~~unless the fleet owner or lessee has received from the~~  
18 ~~department~~ **under** a permit to operate a fleet testing station  
19 **issued by the department pursuant to part 13.**

20       (2) A person shall not receive a permit to operate a fleet  
21 testing station unless the person has an established location  
22 where inspections are to be performed, where records required by  
23 this part and the rules promulgated under this part are to be  
24 maintained, that is equipped with an instrument or instruments of  
25 a type that comply with this part or the rules promulgated under  
26 this part, and that is capable of performing inspections of motor  
27 vehicles under this part and the rules promulgated under this

1 part.

2 (3) A person with a permit to operate a fleet testing station  
 3 shall perform inspections under this part and the rules  
 4 promulgated under this part only at the established location for  
 5 which the person has the permit. A person shall inform the  
 6 department immediately of a change in the address of the  
 7 established location for which the person has a permit to operate  
 8 a fleet testing station.

9 (4) A fleet testing station shall not cause or permit an  
 10 inspection of a motor vehicle to be performed by a person other  
 11 than an emission inspector using an instrument of a type that  
 12 complies with the rules promulgated under this part.

13 ~~(5) Applications for original and replacement fleet testing~~  
 14 ~~station permits shall be submitted on forms provided by the~~  
 15 ~~department.~~

16 (5) ~~(6)~~ An ~~applicant~~ **application** for a fleet testing  
 17 station shall ~~submit to the department~~ **include** a description of  
 18 the operation to be licensed. ~~, which~~ **The description** shall  
 19 include, in addition to other information required by this part  
 20 and the rules promulgated under this part, all of the following:

21 (a) The name of the business and the address of the location  
 22 for which a fleet testing station permit is being sought.

23 (b) The name and address of each owner of the business in the  
 24 case of a sole proprietorship or a partnership and, in the case  
 25 of a corporation, the name and address of each officer and  
 26 director and of each owner of 25% or more of the corporation.

27 (c) The name **of** and identification number issued by the

1 department ~~of~~ **for** each emission inspector employed by the  
2 applicant.

3 (d) A description, including the model and serial number of  
4 each instrument to be used by the applicant to perform  
5 inspections or reinspections under this part and the rules  
6 promulgated under this part, and the date the equipment was  
7 purchased by the applicant.

8 (e) A description of the fleet to be inspected, including the  
9 number and types of motor vehicles.

10 (f) A statement signed by the applicant certifying that the  
11 applicant maintains and repairs, on a regular basis, the fleet  
12 vehicles owned by the applicant.

13 **(6)** ~~-(7)-~~ A fleet testing station permit shall take effect on  
14 the date it is approved by the department and shall expire 1 year  
15 from that date. A fleet testing station permit shall be renewed  
16 automatically, unless the fleet testing station informs the  
17 department not to renew it or unless the department has revoked  
18 the permit.

19 **(7)** ~~-(8)-~~ A person shall obtain a separate permit for each  
20 location at which fleet inspections are performed.

21 **(8)** ~~-(9)-~~ By the fifteenth day of each month, each fleet  
22 testing station shall remit \$1.00 for each vehicle inspected  
23 during the preceding month to the department of treasury for  
24 deposit in the motor vehicle emissions testing program fund.

25 Sec. 8308. The director may do all of the following:

26 (a) Issue an experimental permit to a person applying for  
27 that permit, **pursuant to part 13**, if the director determines that

1 the permit is necessary for the applicant to accumulate  
2 information necessary to register a pesticide.

3 (b) Prescribe terms, conditions, and the period of time the  
4 pesticide may be used under the experimental permit, which shall  
5 be under the supervision of the director.

6 (c) Revoke an experimental permit when its terms or  
7 conditions are violated or its terms and conditions are  
8 inadequate to avoid unreasonable adverse effects on the  
9 environment.

10 Sec. 8310. (1) A ~~restricted use pesticide dealer shall~~  
11 ~~obtain~~ **person shall not engage in distributing, selling, or**  
12 **offering for sale restricted use pesticides to the ultimate user**  
13 **except as authorized under** an annual license for each place of  
14 business **issued by the department pursuant to part 13.**

15 (2) The applicant for a license under subsection (1) shall be  
16 the person in charge of each business location. The applicant  
17 shall demonstrate by written examination his or her knowledge of  
18 laws and rules governing the use and sale of restricted use  
19 pesticides.

20 (3) A restricted use pesticide dealer shall forward to the  
21 director a record of all sales of restricted use pesticides on  
22 forms provided by the director as required by rule. Restricted  
23 use pesticide dealers shall keep copies of the records on file  
24 for 2 years. These records are subject to inspection by an  
25 authorized agent of the director. The records shall, upon  
26 request, be supplied in summary form to other state agencies.  
27 The summary shall include the name and address of the restricted

1 use pesticide dealer, the name and address of the purchaser, the  
2 name of the pesticide sold, and, in an emergency, the quantity  
3 sold. Information may not be made available to the public if, in  
4 the discretion of the director, release of that information could  
5 have a significant adverse effect on the competitive position of  
6 the dealer, distributor, or manufacturer.

7 (4) A restricted use pesticide dealer shall sell or  
8 distribute restricted use pesticides for use only by applicators  
9 certified under this part.

10 (5) The director may deny, suspend, or revoke a restricted  
11 use pesticide dealer's license for any violation of this part  
12 committed by the dealer or the dealer's officer, agent, or  
13 employee.

14 (6) A restricted use pesticide dealer shall maintain and  
15 submit to the department records of all restricted use pesticide  
16 sales to private applicators and the intended county of  
17 application for those pesticides.

18 (7) Information collected in subsection (6) is confidential  
19 business information and is not subject to the freedom of  
20 information act, 1976 PA 442, MCL 15.231 to 15.246.

21 Sec. 8504. (1) A person shall not manufacture or distribute  
22 fertilizer in this state, except specialty fertilizer and soil  
23 conditioners, until the appropriate groundwater protection fee  
24 provided in section 8715 has been submitted, and **except as**  
25 **authorized by** a license to manufacture or distribute ~~has been~~  
26 ~~obtained by the manufacturer or distributor from the department~~  
27 ~~upon~~ **issued by the department pursuant to part 13. An**

1 application for a license shall be accompanied by a payment of a  
2 fee of \$100.00 for each of the following:

3 (a) ~~For each~~ **Each** fixed location at which fertilizer is  
4 manufactured in this state.

5 (b) ~~For each~~ **Each** mobile unit used to manufacture  
6 fertilizer in this state.

7 (c) ~~For each~~ **Each** location out of the state that applies  
8 labeling showing out-of-state origin of fertilizer distributed in  
9 this state to nonlicensees.

10 (2) An application for a license to manufacture or distribute  
11 fertilizer shall include:

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

13 (b) The name and address of each bulk distribution point in  
14 the state not licensed for fertilizer manufacture or  
15 distribution. The name and address shown on the license shall be  
16 shown on all labels, pertinent invoices, and bulk storage for  
17 fertilizers distributed by the licensee in this state.

18 (3) The licensee shall inform the director in writing of  
19 additional distribution points established during the period of  
20 the license.

21 (4) A distributor ~~shall not be~~ **is not** required to obtain a  
22 license if the distributor is selling fertilizer of a distributor  
23 or a manufacturer licensed under this part.

24 (5) All licenses to manufacture or distribute fertilizer  
25 expire on December 31 of each year.

26 Sec. 9112. (1) A person shall not maintain or undertake an  
27 earth change governed by this part, the rules promulgated under

1 this part, or an applicable local ordinance, except in accordance  
2 with this part and the rules promulgated under this part or with  
3 the applicable local ordinance, and ~~pursuant to a permit~~  
4 ~~approved~~ **except as authorized by a permit issued** by the  
5 appropriate county enforcing agency or municipal enforcing agency  
6 **pursuant to part 13.** ~~A county enforcing agency or municipal~~  
7 ~~enforcing agency shall approve or deny an application for a~~  
8 ~~permit within 30 days after the filing of a complete application~~  
9 ~~for a permit.~~

10 (2) If in the opinion of the department a person, including  
11 an authorized public agency, violates this part, the rules  
12 promulgated under this part, or an applicable local ordinance, or  
13 a county enforcing agency or municipal enforcing agency fails to  
14 enforce this part, the rules promulgated under this part, or an  
15 applicable local ordinance, the department may notify the alleged  
16 offender in writing of its determination. If the department  
17 places a county on probation under section 9105, a municipality  
18 is not approved under section 9106, or a state agency or agency  
19 of a local unit of government is not approved under section 9110,  
20 or if the department determines that a municipal enforcing agency  
21 or authorized public agency is not satisfactorily administering  
22 and enforcing this part and rules promulgated under this part,  
23 the department shall notify the county, municipality, state  
24 agency, or agency of a local unit of government in writing of its  
25 determination or action. The notice shall contain, in addition  
26 to a statement of the specific violation or failure that the  
27 department believes to exist, a proposed order, stipulation for

1 agreement, or other action that the department considers  
2 appropriate to assure timely correction of the violation or  
3 failure. The notice shall set a date for a hearing not less than  
4 4 nor more than 8 weeks from the date of the notice of  
5 determination. Extensions of the date of the hearing may be  
6 granted by the department or on request. At the hearing, any  
7 interested party may appear, present witnesses, and submit  
8 evidence. A person who has been served with a notice of  
9 determination may file a written answer to the notice of  
10 determination before the date set for hearing or at the hearing  
11 may appear and present oral or written testimony and evidence on  
12 the charges and proposed requirements of the department to assure  
13 correction of the violation or failure. If a person served with  
14 the notice of determination agrees with the proposed requirements  
15 of the department and notifies the department of that agreement  
16 before the date set for the hearing, disposition of the case may  
17 be made with the approval of the department by stipulation or  
18 consent agreement without further hearing. The final order of  
19 determination following the hearing, or the stipulation or  
20 consent order as authorized by this section and approved by the  
21 department, is conclusive unless reviewed in accordance with the  
22 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
23 24.328, in the circuit court of Ingham county, or of the county  
24 in which the violation occurred, upon petition filed within 15  
25 days after the service upon the person of the final order of  
26 determination.

27 Sec. 11509. (1) Except as otherwise provided in section

1 11529, a person ~~otherwise allowed under this part to own or~~  
2 ~~operate a solid waste disposal area~~ shall not establish a  
3 disposal area ~~without a construction permit from the~~  
4 ~~department,~~ **except as authorized by a construction permit issued**  
5 **by the department pursuant to part 13. In addition, a person**  
6 **shall not establish a disposal area** contrary to an approved solid  
7 waste management plan, or contrary to a permit, license, or final  
8 order issued pursuant to this part. A person proposing the  
9 establishment of a disposal area shall apply for a construction  
10 permit to the department through the health officer. ~~on a form~~  
11 ~~provided by the department.~~ If the disposal area is located in a  
12 county or city that does not have a certified health department,  
13 the application shall be made directly to the department.

14 (2) The application for a construction permit shall contain  
15 the name and residence of the applicant, the location of the  
16 proposed disposal area, the design capacity of the disposal area,  
17 and other information specified by rule. A person may apply to  
18 construct more than 1 type of disposal area at the same facility  
19 under a single permit. The application shall be accompanied by  
20 an engineering plan and a construction permit application fee. A  
21 construction ~~application~~ permit **application** for a landfill  
22 shall be accompanied by a fee in an amount that is the sum of all  
23 of the ~~applicable fees in this subsection~~ **following fees, as**  
24 **applicable:**

25 (a) For a new sanitary landfill, a fee equal to the following  
26 amount:

27 (i) For a municipal solid waste landfill, \$1,500.00.

1           (ii) For an industrial waste landfill, \$1,000.00.

2           (iii) For a type III landfill limited to low hazard  
3 industrial waste, \$750.00.

4           (b) For a lateral expansion of a sanitary landfill, a fee  
5 equal to the following amount:

6           (i) For a municipal solid waste landfill, \$1,000.00.

7           (ii) For an industrial waste landfill, \$750.00.

8           (iii) For a type III landfill limited to low hazard  
9 industrial waste, construction and demolition waste, or other  
10 nonindustrial waste, \$500.00.

11          (c) For a vertical expansion of an existing sanitary  
12 landfill, a fee equal to the following amount:

13          (i) For a municipal solid waste landfill, \$750.00.

14          (ii) For an industrial waste landfill, \$500.00.

15          (iii) For an industrial waste landfill limited to low hazard  
16 industrial waste, construction and demolition waste, or other  
17 nonindustrial waste, \$250.00.

18          (3) The application for a construction permit for a solid  
19 waste transfer facility, a solid waste processing plant, other  
20 disposal area, or a combination of these, shall be accompanied by  
21 a fee in the following amount:

22          (a) For a new facility for municipal solid waste, or a  
23 combination of municipal solid waste and waste listed in  
24 subdivision (b), \$1,000.00.

25          (b) For a new facility for industrial waste, or construction  
26 and demolition waste, \$500.00.

27          (c) For the expansion of an existing facility for any type of

1 waste, \$250.00.

2 (4) If an application is returned to the applicant as  
3 administratively incomplete, the department shall refund the  
4 entire fee. If a permit is denied or an application is  
5 withdrawn, the department shall refund 1/2 the amount specified  
6 in subsection (3) to the applicant. An applicant for a  
7 construction permit, within 12 months after a permit denial or  
8 withdrawal, may resubmit the application and the refunded portion  
9 of the fee, together with the additional information as needed to  
10 address the reasons for denial, without being required to pay an  
11 additional application fee.

12 (5) An application for a modification to a construction  
13 permit or for renewal of a construction permit which has expired  
14 shall be accompanied by a fee of \$250.00. Increases in final  
15 elevations that do not result in an increase in design capacity  
16 or a change in the solid waste boundary shall be considered a  
17 modification and not a vertical expansion.

18 (6) A person who applies to permit more than 1 type of  
19 disposal area at the same facility shall pay a fee equal to the  
20 sum of the applicable fees listed in this section.

21 (7) The department shall deposit permit application fees  
22 collected under this section in the solid waste staff account of  
23 the solid waste management fund established in section 11550.

24 Sec. 11511. (1) ~~The department shall make a final decision~~  
25 ~~as to whether to issue a construction permit within 120 days~~  
26 ~~after the department receives an administratively complete~~  
27 ~~application. The decision of the department and the reasons for~~

1 ~~the decision shall be in writing with specific reference to this~~  
2 ~~part or rules promulgated under this part for any substantiation~~  
3 ~~of denial of the permit application and shall be sent by~~  
4 ~~first class mail to~~ **The department shall notify** the clerk of the  
5 municipality in which the disposal area is proposed to be located  
6 and ~~to~~ the applicant **of its approval or denial of an**  
7 **application for a construction permit** within 10 days after the  
8 final decision is made. ~~If the department fails to make a final~~  
9 ~~decision within 120 days, the permit shall be considered issued.~~

10 (2) A construction permit shall expire 1 year after the date  
11 of issuance, unless development under the construction permit is  
12 initiated within that year. A construction permit that has  
13 expired may be renewed upon payment of a permit renewal fee and  
14 submission of any additional information the department may  
15 require.

16 (3) Except as otherwise provided in this subsection, the  
17 department shall not issue a construction permit for a disposal  
18 area within a planning area unless a solid waste management plan  
19 for that planning area has been approved pursuant to sections  
20 11536 and 11537 and unless the disposal area complies with and is  
21 consistent with the approved solid waste management plan. The  
22 department may issue a construction permit for a disposal area  
23 designed to receive ashes produced in connection with the  
24 combustion of fossil fuels for electrical power generation in the  
25 absence of an approved county solid waste management plan, upon  
26 receipt of a letter of approval from whichever county or  
27 counties, group of municipalities, or regional planning agency

1 has prepared or is preparing the county solid waste management  
2 plan for that planning area under section 11533 and from the  
3 municipality in which the disposal area is to be located.

4 Sec. 11512. (1) A person shall dispose of solid waste at a  
5 disposal area licensed under this part unless a person is  
6 permitted by state law or rules promulgated by the department to  
7 dispose of the solid waste at the site of generation.

8 (2) Except as otherwise provided in this section or in  
9 section 11529, a person shall not conduct, manage, maintain, or  
10 operate a disposal area within this state ~~without a license from~~  
11 ~~the department,~~ **except as authorized by an operating license**  
12 **issued by the department pursuant to part 13. In addition, a**  
13 **person shall not conduct, manage, maintain, or operate a disposal**  
14 **area** contrary to an approved solid waste management plan, or  
15 contrary to a permit, license, or final order issued under this  
16 part. A person who intends to conduct, manage, maintain, or  
17 operate a disposal area shall submit a license application to the  
18 department through a certified health department. ~~on a form~~  
19 ~~provided by the department.~~ If the disposal area is located in a  
20 county or city that does not have a certified health department,  
21 the application shall be made directly to the department. A  
22 person authorized by this part to operate more than 1 type of  
23 disposal area at the same facility may apply for a single  
24 license.

25 (3) The application for a license shall contain the name and  
26 residence of the applicant, the location of the proposed or  
27 existing disposal area, the type or types of disposal area

1 proposed, evidence of bonding, and other information required by  
2 rule. In addition, an applicant for a type II landfill shall  
3 submit evidence of financial assurance adequate to meet the  
4 requirements of section 11523a, the maximum waste slope in the  
5 active portion, an estimate of remaining permitted capacity, and  
6 documentation on the amount of waste received at the disposal  
7 area during the previous license period or expected to be  
8 received, whichever is greater. The application shall be  
9 accompanied by a fee as specified in subsections (7), (9), and  
10 (10).

11 (4) At the time of application for a license for a disposal  
12 area, the applicant shall submit to a health officer or the  
13 department a certification under the seal of a licensed  
14 professional engineer verifying that the construction of the  
15 disposal area has proceeded according to the approved plans. If  
16 construction of the disposal area or a portion of the disposal  
17 area is not complete, the department shall require additional  
18 construction certification of that portion of the disposal area  
19 during intermediate progression of the operation, as specified in  
20 section 11516(5).

21 (5) An applicant for an operating license, within 6 months  
22 after a license denial, may resubmit the application, together  
23 with additional information or corrections as are necessary to  
24 address the reason for denial, without being required to pay an  
25 additional application fee.

26 (6) In order to conduct tests and assess operational  
27 capabilities, the owner or operator of a municipal solid waste

1 incinerator that is designed to burn at a temperature in excess  
2 of 2500 degrees Fahrenheit may operate the incinerator without an  
3 operating license, upon notice to the department, for a period  
4 not to exceed 60 days.

5 (7) The application for a type II landfill operating license  
6 shall be accompanied by the following fee for the 5-year term of  
7 the operating license, calculated in accordance with subsection  
8 (8):

9 (a) Landfills receiving less than 100 tons per day, \$250.00.

10 (b) Landfills receiving 100 tons per day or more, but less  
11 than 250 tons per day, \$1,000.00.

12 (c) Landfills receiving 250 tons per day or more, but less  
13 than 500 tons per day, \$2,500.00.

14 (d) Landfills receiving 500 tons per day or more, but less  
15 than 1,000 tons per day, \$5,000.00.

16 (e) Landfills receiving 1,000 tons per day or more, but less  
17 than 1,500 tons per day, \$10,000.00.

18 (f) Landfills receiving 1,500 tons per day or more, but less  
19 than 3,000 tons per day, \$20,000.00.

20 (g) Landfills receiving greater than 3,000 tons per day,  
21 \$30,000.00.

22 (8) Type II landfill application fees shall be based on the  
23 average amount of waste projected to be received daily during the  
24 license period. Application fees for license renewals shall be  
25 based on the average amount of waste received in the previous  
26 calendar year. Application fees shall be adjusted in the  
27 following circumstances:

1 (a) If a landfill accepts more waste than projected, a  
2 supplemental fee equal to the difference shall be submitted with  
3 the next license application.

4 (b) If a landfill accepts less waste than projected, the  
5 department shall credit the applicant an amount equal to the  
6 difference with the next license application.

7 (c) A type II landfill that measures waste by volume rather  
8 than weight shall pay a fee based on 3 cubic yards per ton.

9 (d) A landfill used exclusively for municipal solid waste  
10 incinerator ash that measures waste by volume rather than weight  
11 shall pay a fee based on 1 cubic yard per ton.

12 (e) If an application is submitted to renew a license more  
13 than 1 year prior to license expiration, the department shall  
14 credit the applicant an amount equal to 1/2 the application fee.

15 (f) If an application is submitted to renew a license more  
16 than 6 months but less than 1 year prior to license expiration,  
17 the department shall credit the applicant an amount equal to 1/4  
18 the application fee.

19 (9) The operating license application for a type III landfill  
20 shall be accompanied by a fee equal to \$2,500.00.

21 (10) The operating license application for a solid waste  
22 processing plant, solid waste transfer facility, other disposal  
23 area, or combination of these entities shall be accompanied by a  
24 fee equal to \$500.00.

25 (11) The department shall deposit operating license  
26 application fees collected under this section in the perpetual  
27 care account of the solid waste management fund established in

1 section 11550.

2 (12) A person who applies for an operating license for more  
3 than 1 type of disposal area at the same facility shall pay a fee  
4 equal to the sum of the applicable application fees listed in  
5 this section.

6 Sec. 11516. (1) ~~Subject to subsection (4), the~~ **The**  
7 department shall conduct a consistency review ~~and make~~ **before**  
8 **making** a final decision on a license application. ~~within 90 days~~  
9 ~~after the department receives an administratively complete~~  
10 ~~application. The decision of the department and the reasons for~~  
11 ~~the decision shall be documented in writing with specific~~  
12 ~~reference to this part or rules promulgated under this part and~~  
13 ~~shall be sent by first class mail to~~ **The department shall notify**  
14 the clerk of the municipality in which the disposal area is  
15 located and ~~to~~ the applicant **of its approval or denial of a**  
16 **license application** within 10 days after the final decision is  
17 made. ~~If the department fails to make a final decision within~~  
18 ~~90 days, the license is considered issued.~~

19 (2) An operating license shall expire 5 years after the date  
20 of issuance. An operating license may be renewed before  
21 expiration upon payment of a renewal application fee specified in  
22 section 11512(8) if the licensee is in compliance with this part  
23 and the rules promulgated under this part.

24 (3) The issuance of the operating license under this part  
25 empowers the department or a health officer or an authorized  
26 representative of a health officer to enter at any reasonable  
27 time, pursuant to law, in or upon private or public property

1 licensed under this part for the purpose of inspecting or  
2 investigating conditions relating to the storage, processing, or  
3 disposal of any material.

4 (4) Except as otherwise provided in this subsection, the  
5 department shall not issue an operating license for a new  
6 disposal area within a planning area unless a solid waste  
7 management plan for that planning area has been approved pursuant  
8 to sections 11536 and 11537 and unless the disposal area complies  
9 with and is consistent with the approved solid waste management  
10 plan. The department may issue an operating license for a  
11 disposal area designed to receive ashes produced in connection  
12 with the combustion of fossil fuels for electrical power  
13 generation in the absence of an approved county solid waste  
14 management plan, upon receipt of a letter of approval from  
15 whichever county or counties, group of municipalities, or  
16 regional planning agency has prepared or is preparing the county  
17 solid waste management plan for that planning area under section  
18 11533 and from the municipality in which the disposal area is to  
19 be located.

20 (5) Issuance of an operating license by the department  
21 authorizes the licensee to accept waste for disposal in certified  
22 portions of the disposal area for which a bond was established  
23 under section 11523 and, for type II landfills, for which  
24 financial assurance was demonstrated under section 11523a. If  
25 the construction of a portion of a landfill licensed under this  
26 section is not complete at the time of license application, the  
27 owner or operator of the landfill shall submit a certification

1 under the seal of a licensed professional engineer verifying that  
2 the construction of that portion of the landfill has proceeded  
3 according to the approved plans at least 60 days prior to the  
4 anticipated date of waste disposal in that portion of the  
5 landfill. If the department does not deny the certification  
6 within 60 days of receipt, the owner or operator may accept waste  
7 for disposal in the certified portion. In the case of a denial,  
8 the department shall issue a written statement stating the  
9 reasons why the construction or certification is not consistent  
10 with this part or rules promulgated under this part or the  
11 approved plans.

12 Sec. 11542. (1) Except as provided in subsection ~~-(9)-~~ (5),  
13 municipal solid waste incinerator ash shall be disposed of in 1  
14 of the following:

15 (a) A landfill that meets all of the following requirements:

16 (i) The landfill is in compliance with this part and the  
17 rules promulgated under this part.

18 (ii) The landfill is used exclusively for the disposal of  
19 municipal solid waste incinerator ash.

20 (iii) The landfill design includes all of the following in  
21 descending order according to their placement in the landfill:

22 (A) A leachate collection system.

23 (B) A synthetic liner at least 60 mils thick.

24 (C) A compacted clay liner of 5 feet or more with a maximum  
25 hydraulic conductivity of  $1 \times 10^{-7}$  centimeters per second.

26 (D) A leak detection and leachate collection system.

27 (E) A compacted clay liner at least 3 feet thick with a

1 maximum hydraulic conductivity of  $1 \times 10^{-7}$  centimeters per  
2 second or a synthetic liner at least 40 mils thick.

3 (b) A landfill that meets all of the following requirements:

4 (i) The landfill is in compliance with this part and the  
5 rules promulgated under this part.

6 (ii) The landfill is used exclusively for the disposal of  
7 municipal solid waste incinerator ash.

8 (iii) The landfill design includes all of the following in  
9 descending order according to their placement in the landfill:

10 (A) A leachate collection system.

11 (B) A composite liner, as defined in R 299.4102 of the  
12 Michigan administrative code.

13 (C) A leak detection and leachate collection system.

14 (D) A second composite liner.

15 (iv) If contaminants that may threaten the public health,  
16 safety, or welfare, or the environment are found in the leachate  
17 collection system described in subparagraph (iii)(C), the owner  
18 or operator of the landfill shall determine the source and nature  
19 of the contaminants and make repairs, to the extent practicable,  
20 that will prevent the contaminants from entering the leachate  
21 collection system. If the department determines that the source  
22 of the contaminants is caused by a design failure of the  
23 landfill, the department, notwithstanding an approved  
24 construction permit or operating license, may require landfill  
25 cells at that landfill that will be used for the disposal of  
26 municipal solid waste incinerator ash, which are under  
27 construction or will be constructed in the future at the

1 landfill, to be constructed in conformance with improved design  
2 standards approved by the department. However, this subparagraph  
3 does not require the removal of liners or leak detection and  
4 leachate collection systems that are already in place in a  
5 landfill cell under construction.

6 (c) A landfill that is a monitorable unit, as defined in  
7 R 299.4104 of the Michigan administrative code, and that meets  
8 all of the following requirements:

9 (i) The landfill is in compliance with this part and the  
10 rules promulgated under this part.

11 (ii) The landfill is used exclusively for the disposal of  
12 municipal solid waste incinerator ash.

13 (iii) The landfill design includes all of the following in  
14 descending order according to their placement in the landfill:

15 (A) A leachate collection system.

16 (B) A synthetic liner at least 60 mils thick.

17 (C) Immediately below the synthetic liner, either 2 feet of  
18 compacted clay with a maximum hydraulic conductivity of  $1 \times 10^{-7}$   
19 centimeters per second or a bentonite geocomposite liner, as  
20 specified in R 299.4914 of the Michigan administrative code.

21 (D) At least 10 feet of either natural or compacted clay with  
22 a maximum hydraulic conductivity of  $1 \times 10^{-7}$  centimeters per  
23 second, or equivalent.

24 (d) A landfill with a design approved by the department that  
25 will prevent the migration of any hazardous constituent into the  
26 groundwater or surface water at least as effectively as the  
27 design requirements of subdivisions (a) to (c).

1 (e) A type II landfill, as defined in R 299.4105 of the  
2 Michigan administrative code, if both of the following conditions  
3 apply:

4 (i) The ash was generated by a municipal solid waste  
5 incinerator that is designed to burn at a temperature in excess  
6 of 2500 degrees Fahrenheit.

7 (ii) The ash from any individual municipal solid waste  
8 incinerator is disposed of pursuant to this subdivision for a  
9 period not to exceed 60 days.

10 (2) ~~(3)~~ Except as provided in subsection ~~(4)~~ (3), a  
11 landfill that is constructed pursuant to the design described in  
12 subsection (1) shall be capped following its closure by all of  
13 the following in descending order:

14 (a) Six inches of top soil with a vegetative cover.

15 (b) Two feet of soil to protect against animal burrowing,  
16 temperature, erosion, and rooted vegetation.

17 (c) An infiltration collection system.

18 (d) A synthetic liner at least 30 mils thick.

19 (e) Two feet of compacted clay with a maximum hydraulic  
20 conductivity of  $1 \times 10^{-7}$  centimeters per second.

21 (3) ~~(4)~~ A landfill that receives municipal solid waste  
22 incinerator ash under this section may be capped with a design  
23 approved by the department that will prevent the migration of any  
24 hazardous constituent into the groundwater or surface water at  
25 least as effectively as the design requirements of subsection  
26 ~~(3)~~ (2).

27 (4) ~~(5)~~ If leachate is collected from a landfill under this

1 section, the leachate shall be monitored and tested in accordance  
2 with this part and the rules promulgated under this part.

3       (5) ~~-(6)-~~ As an alternative to disposal described in  
4 subsection (1), the owner or operator of a municipal solid waste  
5 incinerator may process municipal solid waste incinerator ash  
6 through mechanical or chemical methods, or both, to substantially  
7 diminish the toxicity of the ash or its constituents or limit the  
8 leachability of the ash or its constituents to minimize threats  
9 to human health and the environment, if processing is performed  
10 on the site of the municipal solid waste incinerator or at the  
11 site of a landfill described in subsection (1), if the process  
12 has been approved by the department as provided by rule, and if  
13 the ash is tested after processing in accordance with a protocol  
14 approved by the department as provided by rule. The department  
15 shall approve the process and testing protocol under this  
16 subsection only if the process and testing protocol will protect  
17 human health and the environment. In making this determination,  
18 the department shall consider all potential pathways of human and  
19 environmental exposure, including both short-term and long-term,  
20 to constituents of the ash that may be released during the reuse  
21 or recycling of the ash. The department shall consider requiring  
22 methods to determine the leaching, total chemical analysis,  
23 respirability, and toxicity of reused or recycled ash. A  
24 leaching procedure shall include testing under both acidic and  
25 native conditions. If municipal solid waste incinerator ash is  
26 processed in accordance with the requirements of this subsection  
27 and the processed ash satisfies the testing protocol approved by

1 the department as provided by rule, the ash may be disposed of in  
2 a municipal solid waste landfill, as defined by R 299.4104 of the  
3 Michigan administrative code, licensed under this part or may be  
4 used in any manner approved by the department. If municipal  
5 solid waste incinerator ash is processed as provided in this  
6 subsection, but does not satisfy the testing protocol approved by  
7 the department as provided by rule, the ash shall be disposed of  
8 in accordance with subsection (1).

9       (6) ~~—(7)—~~ The disposal of municipal solid waste incinerator  
10 ash within a landfill that is in compliance with subsection (1)  
11 does not constitute a new proposal for which a new construction  
12 permit is required under section 11510, if a construction permit  
13 has previously been issued under section 11509 for the landfill  
14 and the owner or operator of the landfill submits 6 copies of an  
15 operating license amendment application to the department for  
16 approval **pursuant to part 13**. The operating license amendment  
17 application shall include revised plans and specifications for  
18 all facility modifications including a leachate disposal plan, an  
19 erosion control plan, and a dust control plan which shall be part  
20 of the operating license amendment. The dust control plan shall  
21 contain sufficient detail to ensure that dust emissions are  
22 controlled by available control technologies that reduce dust  
23 emissions by a reasonably achievable amount to the extent  
24 necessary to protect human health and the environment. The dust  
25 control plan shall provide for the ash to be wet during all times  
26 that the ash is exposed to the atmosphere at the landfill or  
27 otherwise to be covered by daily cover material; for dust

1 emissions to be controlled during dumping, grading, loading, and  
2 bulk transporting of the ash at the landfill; and for dust  
3 emissions from access roads within the landfill to be  
4 controlled. With the exception of a landfill that is in  
5 existence on June 12, 1989 that the department determines is  
6 otherwise in compliance with this section, the owner or operator  
7 of the landfill shall obtain the operating license amendment  
8 prior to initiating construction. Prior to operation, the owner  
9 or operator of a landfill shall submit to the department  
10 certification from a licensed professional engineer that the  
11 landfill has been constructed in accordance with the approved  
12 plan and specifications. At the time the copies are submitted to  
13 the department, the owner or operator of the landfill shall send  
14 a copy of the operating license amendment application to the  
15 municipality where the landfill is located. At least 30 days  
16 prior to making a final decision on the operating license  
17 amendment, the department shall hold at least 1 public meeting in  
18 the vicinity of the landfill to receive public comments. Prior  
19 to a public meeting, the department shall publish notice of the  
20 meeting in a newspaper serving the local area. ~~The department~~  
21 ~~shall issue a final decision on an operating license amendment~~  
22 ~~application within 120 days after the department receives an~~  
23 ~~administratively complete application.~~

24 (7) ~~(8)~~ The owner or operator of a municipal solid waste  
25 incinerator or a disposal area that receives municipal solid  
26 waste incinerator ash shall allow the department access to the  
27 facility for the purpose of supervising the collection of samples

1 or obtaining samples of ash to test or to monitor air quality at  
2 the facility.

3       **(8)** ~~-(9)-~~ As used in subsection (1), "landfill" means a  
4 landfill or a specific portion of a landfill.

5       Sec. 11703. (1) A person ~~engaged~~ **shall not engage** in the  
6 business of servicing ~~shall apply for~~ **except as authorized by** a  
7 septage waste servicing license ~~on an application form provided~~  
8 ~~by the department~~ **issued by the department pursuant to part 13.**  
9 The department shall provide an application form that includes  
10 all of the following:

11       (a) The applicant's name and mailing address.

12       (b) The location or locations where the business is  
13 operated.

14       (c) Additional information pertinent to this part as required  
15 by the department.

16       (2) A person who submits a completed application form under  
17 subsection (1) shall submit to the department with the  
18 application all of the following:

19       (a) An application fee of \$300.00 that will be refunded by  
20 the department if a septage waste servicing license is not  
21 issued.

22       (b) A \$100.00 fee to accompany an initial license application  
23 to be credited to the septage waste site contingency fund as  
24 provided in section 11717.

25       (c) Written approval from all public septage waste treatment  
26 facilities where the applicant plans to dispose of septage waste  
27 and the ~~locations~~ **sites** where the applicant plans to dispose of

1 septage waste upon receiving the department's approval, and, **for**  
2 **each proposed disposal site**, either proof of ownership of the  
3 proposed disposal ~~location~~ **site** or written approval from the  
4 site owner.

5 (3) A person who holds a septage waste servicing license  
6 shall maintain at all times at his or her place of business a  
7 complete record of the amount of septage waste that the person  
8 has transported and disposed of and the location at which the  
9 disposal of septage waste has occurred. The person shall display  
10 these records upon the request of the director, a peace officer,  
11 or an official of a certified health department.

12 Sec. 11704. (1) A person who is required to be licensed  
13 pursuant to section 11703 ~~is required to have~~ **shall not use a**  
14 **motor vehicle to transport septage waste except as authorized by**  
15 a septage waste motor vehicle license issued by the department  
16 **pursuant to part 13** for each vehicle that is used to transport  
17 septage waste. A septage waste motor vehicle license application  
18 ~~form shall be provided by the department and shall be~~ submitted  
19 to the department ~~with~~ **shall be accompanied by** a license fee of  
20 \$75.00 for each vehicle required to be licensed under this part.  
21 A motor vehicle license application ~~is to~~ **shall** include all of  
22 the following information:  
23 (a) The model and year of the motor vehicle.  
24 (b) The capacity of any tank used to remove or transport the  
25 septage waste.  
26 (c) The name of the motor vehicle's insurance carrier.  
27 (d) Additional information pertinent to this part as required

1 by the department.

2 (2) A person who is issued a septage waste motor vehicle  
3 license ~~issued pursuant to this section~~ shall carry that  
4 license at all times in the motor vehicle that is described in  
5 that license and display the license upon the request of the  
6 department, a peace officer, or an official of a certified health  
7 department.

8 (3) Without the express permission of the department, a  
9 person shall not use a vehicle used to transport septage waste to  
10 transport hazardous waste regulated under part 111 or liquid  
11 industrial waste regulated under part 121.

12 Sec. 11709. (1) Subject to the limitations contained in  
13 sections 11710 and 11711, septage waste that is picked up at a  
14 location that is further than 15 road miles from a public septage  
15 waste treatment facility ~~, or where a public waste treatment~~  
16 ~~facility is not available,~~ may be disposed of on land if the  
17 person holding licenses issued pursuant to sections 11703 and  
18 11704 ~~applies to the department for a permit~~ **obtains a permit**  
19 **issued by the department pursuant to part 13** authorizing the  
20 disposal of septage waste on land, supplies any additional  
21 information pertinent to this part as required by the department,  
22 and sends notice to property owners as provided in  
23 subsection (2).

24 (2) An applicant for a permit under subsection (1) shall send  
25 a notice to each land owner who owns property located within 800  
26 feet of the proposed disposal location on a form approved by the  
27 department. Service of the notice shall be made by first-class

1 mail. The notification shall include the nature of the proposed  
2 land use, the location of the proposed disposal area, and whom to  
3 contact if there is an objection to the proposed land use. A  
4 copy of the notice that is mailed to each property owner shall be  
5 sent to the certified health department having jurisdiction. If  
6 no substantiated objections as determined by the department are  
7 received within 10 business days following the mailing of the  
8 notification, the department may issue a permit as provided in  
9 this section. If the department finds that the applicant is  
10 unable to provide notice as required in this subsection, the  
11 department may waive the notice requirement or allow the  
12 applicant to use a substitute means of providing notice.

13 (3) A permit issued under this section shall expire at the  
14 same time as a septage waste servicing license issued pursuant to  
15 section 11703, but is subject to renewal at that time. A permit  
16 issued under this section may be revoked by the department if  
17 septage waste disposal or site management is in violation of this  
18 part or the rules promulgated under this part.

19 Sec. 30104. (1) ~~Before a project that is subject to this~~  
20 ~~part is undertaken, a person shall file an application and~~  
21 ~~receive a permit from the department. The application shall be~~  
22 ~~on a form prescribed by the department and~~ **A person shall not**  
23 **undertake a project subject to this part except as authorized by**  
24 **a permit issued by the department pursuant to part 13. An**  
25 **application for a permit** shall include any information that may  
26 be required by the department. If a project includes activities  
27 at multiple locations, 1 application may be filed for the

1 combined activities.

2 (2) Except as provided in subsections (3) and (4), until  
3 October 1, 2008, an application for a permit shall be accompanied  
4 by a fee based on an administrative cost in accordance with the  
5 following schedule:

6 (a) For a minor project listed in R 281.816 of the Michigan  
7 administrative code, or a seasonal drawdown or the associated  
8 reflooding, or both, of a dam or impoundment for the purpose of  
9 weed control, a fee of \$50.00. However, for a permit for a  
10 seasonal drawdown or associated reflooding, or both, of a dam or  
11 impoundment for the purpose of weed control that is issued for  
12 the first time after October 9, 1995, an initial fee of \$500.00  
13 with subsequent permits for the same purpose being assessed a  
14 \$50.00 fee.

15 (b) For construction or expansion of a marina, a fee of:

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

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

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

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

24 (v) \$1,500.00 if an existing permitted marina proposes  
25 maintenance dredging of 10,000 cubic yards or more or the  
26 addition of seawalls, bulkheads, or revetments of 500 feet or  
27 more.

1 (c) For renewal of a marina operating permit, a fee of  
2 \$50.00.

3 (d) For major projects other than a project described in  
4 subdivision (b)(v), involving any of the following, a fee of  
5 \$2,000.00:

6 (i) Dredging of 10,000 cubic yards or more.

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

8 (iii) Seawalls, bulkheads, or ~~revetment~~ **revetments** of 500  
9 feet or more.

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

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

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

16 (vii) New commercial docks or wharves of 300 feet or more in  
17 length.

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

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

20 (x) New golf courses.

21 (xi) Subdivisions.

22 (xii) Condominiums.

23 (e) For all other projects not listed in subdivisions (a)  
24 through (d), a fee of \$500.00.

25 (3) A project that requires review and approval under this  
26 part and 1 or more of the following acts or parts of acts is  
27 subject to only the single highest permit fee required under this

1 part or the following acts or parts of acts:

2 (a) Part 303.

3 (b) Part 323.

4 (c) Part 325.

5 (d) Section 3104.

6 (e) Section 117 of the land division act, 1967 PA 288, MCL  
7 560.117.

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

13 Sec. 30105. (1) Until October 1, 2003, a person who desires  
14 notification of pending applications may submit a written request  
15 to the department accompanied by an annual fee of \$25.00. The  
16 department shall forward all annual fees to the state treasurer  
17 for deposit into the fund. The department shall prepare a  
18 monthly list of the applications made during the previous month  
19 and shall promptly mail copies of the list for the remainder of  
20 the calendar year to the persons who have so requested notice.  
21 The monthly list shall state the name and address of each  
22 applicant, the legal description of the lands included in the  
23 applicant's project, and a summary statement of the purpose of  
24 the project. The department may hold a public hearing on pending  
25 applications.

26 (2) Except as otherwise provided in this section, upon  
27 receiving an application, the department shall submit copies for

1 review to the director of the department of community health or  
2 the local health department designated by the director of the  
3 department of community health, to the city, village, or township  
4 and the county where the project is to be located, to the local  
5 ~~soil~~ conservation district, to the watershed council organized  
6 under part 311, if any, to the local port commission, if any, and  
7 to the persons required to be included in the application  
8 pursuant to section 30104(1). Each copy of the application shall  
9 be accompanied by a statement that unless a written request is  
10 filed with the department within 20 days after the submission for  
11 review, the department may grant the application without a public  
12 hearing where the project is located. The department may hold a  
13 public hearing upon the written request of the applicant or a  
14 riparian owner or a person or governmental unit that is entitled  
15 to receive a copy of the application pursuant to this  
16 subsection.

17 (3) After completion of a project for which an application is  
18 approved, the department may cause a final inspection to be made  
19 and certify to the applicant that the applicant has complied with  
20 the department's permit requirements.

21 (4) At least 10 days' notice of a hearing to be held under  
22 this section shall be given by publication in a newspaper  
23 circulated in the county where the project is to be located and  
24 by mailing copies of the notice to the persons who have requested  
25 the monthly list pursuant to subsection (1), to the person  
26 requesting the hearing, and to the persons and governmental units  
27 that are entitled to receive a copy of the application pursuant

1 to subsection (2).

2       (5) ~~The department shall grant or deny the permit within 60~~  
3 ~~days, or within 90 days if a public hearing is held, after the~~  
4 ~~filing of an application pursuant to section 30104. If a permit~~  
5 ~~is denied, the department shall provide to the applicant a~~  
6 ~~concise written statement of its reasons for denial of the~~  
7 ~~permit, and, if it appears that a minor modification of the~~  
8 ~~application would result in the granting of the permit, the~~  
9 ~~nature of the modification shall be stated.~~ In an emergency, the  
10 department may issue a conditional permit before the expiration  
11 of the 20-day period referred to in subsection (2).

12       (6) The department, by rule promulgated under section  
13 30110(1), may establish minor project categories of activities  
14 and projects that are similar in nature and have minimal adverse  
15 environmental impact. The department may act upon an application  
16 received pursuant to section 30104 for an activity or project  
17 within a minor project category after an on-site inspection of  
18 the land and water involved without providing notices or holding  
19 a public hearing pursuant to subsection (2). A final inspection  
20 or certification of a project completed under a permit granted  
21 pursuant to this subsection is not required, but all other  
22 provisions of this part are applicable to a minor project.

23       Sec. 30113. (1) The land and water management permit fee  
24 fund is created within the state treasury.

25       (2) The state treasurer may receive money or other assets  
26 from any source for deposit into the fund. The state treasurer  
27 shall direct the investment of the fund. The state treasurer

1 shall credit to the fund interest and earnings from fund  
2 investments. The state treasurer shall annually present to the  
3 department an accounting of the amount of money in the fund.

4 (3) Money in the fund at the close of the fiscal year shall  
5 remain in the fund and shall not lapse to the general fund.

6 (4) The department shall expend money from the fund, upon  
7 appropriation, only to implement this part and the following:

8 (a) Sections 3104, 3107, and 3108.

9 (b) Part 325.

10 (c) Part 303.

11 (d) Section 12562 of the public health code, ~~Act No. 368 of~~  
12 ~~the Public Acts of 1978, being section 333.12562 of the Michigan~~  
13 ~~Compiled Laws~~ **1978 PA 368, MCL 333.12562.**

14 (e) Part 323.

15 (f) Section 117 of the ~~subdivision control act of 1967, Act~~  
16 ~~No. 288 of the Public Acts of 1967, being section 560.117 of the~~  
17 ~~Michigan Compiled Laws~~ **land division act, 1967 PA 288, MCL**  
18 **560.117.**

19 (g) Part 315.

20 (h) Part 353.

21 ~~(5) The department shall process permit applications for the~~  
22 ~~acts and parts of acts cited in subsection (4) within 60 days~~  
23 ~~after receiving a completed permit application unless the act or~~  
24 ~~part specifically provides for permit application processing time~~  
25 ~~limits.~~

26 (5) ~~(6)~~ The department shall annually report to the  
27 legislature on both of the following:

1 (a) How money in the fund was expended during the previous  
2 fiscal year.

3 (b) For permit programs funded with money in the fund, the  
4 average length of time for department action on permit  
5 applications for each class of permits reviewed.

6 Sec. 30304. Except as otherwise provided ~~by~~ **in** this part  
7 or by a permit ~~obtained from~~ **issued by** the department under  
8 sections 30306 to 30314 **and pursuant to part 13**, a person shall  
9 not do any of the following:

10 (a) Deposit or permit the placing of fill material in a  
11 wetland.

12 (b) Dredge, remove, or permit the removal of soil or minerals  
13 from a wetland.

14 (c) Construct, operate, or maintain any use or development in  
15 a wetland.

16 (d) Drain surface water from a wetland.

17 Sec. 30307. (1) Within 60 days after receipt of the  
18 completed application and fee, the department may hold a  
19 hearing. If a hearing is held, it shall be held in the county  
20 where the wetland to which the permit is to apply is located.  
21 Notice of the hearing shall be made in the same manner as for the  
22 promulgation of rules under the administrative procedures act of  
23 1969, 1969 PA 306, MCL 24.201 to 24.328. The department may  
24 approve or disapprove a permit application without a public  
25 hearing unless a person requests a hearing in writing within 20  
26 days after the mailing of notification of the permit application  
27 as required by subsection (3) or unless the department determines

1 that the permit application is of significant impact to warrant a  
2 public hearing.

3       (2) ~~If a hearing is not held, the department shall approve~~  
4 ~~or disapprove the permit application within 90 days after the~~  
5 ~~completed permit application is filed with the department. If a~~  
6 ~~hearing is held, the department shall approve or disapprove the~~  
7 ~~permit application within 90 days after the conclusion of the~~  
8 ~~hearing. The department may approve a permit application,~~  
9 ~~request modifications in the application, or deny the permit~~  
10 ~~application. If the department approves the permit application,~~  
11 ~~the department shall prepare and send the permit to the~~  
12 ~~applicant. If the department denies, or requests a modification~~  
13 ~~of, the permit application, the department shall send notice of~~  
14 ~~the denial or modification request and the reasons for the denial~~  
15 ~~or the modifications requested to the applicant. Department~~  
16 ~~approval may include the issuance of a permit containing~~  
17 ~~conditions necessary for compliance with this part. If the~~  
18 ~~department does not approve or disapprove the permit application~~  
19 ~~within the time provided by this subsection, the permit~~  
20 ~~application shall be considered approved, and the department~~  
21 ~~shall be considered to have made the determinations required by~~  
22 ~~section 30311.~~ The action taken by the department **on a permit**  
23 **application under this part and part 13** may be appealed pursuant  
24 to the administrative procedures act of 1969, 1969 PA 306, MCL  
25 24.201 to 24.328. A property owner may, after exhaustion of  
26 administrative remedies, bring appropriate legal action in a  
27 court of competent jurisdiction.

1           (3) A person who desires notification of pending permit  
2 applications may make a written request to the department  
3 accompanied by an annual fee of \$25.00, which shall be credited  
4 to the general fund of the state. The department shall prepare a  
5 biweekly list of the applications made during the previous 2  
6 weeks and shall promptly mail copies of the list for the  
7 remainder of the calendar year to the persons who requested  
8 notice. The biweekly list shall state the name and address of  
9 each applicant, the location of the wetland in the proposed use  
10 or development, including the size of both the proposed use or  
11 development and of the wetland affected, and a summary statement  
12 of the purpose of the use or development.

13           (4) A local unit of government may regulate wetland within  
14 its boundaries, by ordinance, only as provided under this part.  
15 This subsection is supplemental to the existing authority of a  
16 local unit of government. An ordinance adopted by a local unit  
17 of government pursuant to this subsection shall comply with all  
18 of the following:

19           (a) The ordinance shall not provide a different definition of  
20 wetland than is provided in this part, except that a wetland  
21 ordinance may regulate wetland of less than 5 acres in size.

22           (b) If the ordinance regulates wetland that is smaller than 2  
23 acres in size, the ordinance shall comply with section 30309.

24           (c) The ordinance shall comply with sections 30308 and  
25 30310.

26           (d) The ordinance shall not require a permit for uses that  
27 are authorized without a permit under section 30305, and shall

1 otherwise comply with this part.

2 (5) Each local unit of government that adopts an ordinance  
3 regulating wetlands under subsection (4) shall notify the  
4 department.

5 (6) A local unit of government that adopts an ordinance  
6 regulating wetlands shall use an application form supplied by the  
7 department, and each person applying for a permit shall make  
8 application directly to the local unit of government. Upon  
9 receipt, the local unit of government shall forward a copy of  
10 each application along with any state fees that may have been  
11 submitted under section 30306 to the department. The department  
12 shall begin reviewing the application as provided in this part.  
13 ~~The local unit of government shall review the application~~  
14 ~~pursuant to its ordinance and shall modify, approve, or deny the~~  
15 ~~application within 90 days after receipt. If a municipality does~~  
16 ~~not approve or disapprove the permit application within the time~~  
17 ~~period provided by this subsection, the permit application shall~~  
18 ~~be considered approved, and the municipality shall be considered~~  
19 ~~to have made the determinations as listed in section 30311. The~~  
20 ~~denial of a permit shall be accompanied by a written statement of~~  
21 ~~all reasons for denial. The failure to supply complete~~  
22 ~~information with a permit application may be reason for denial of~~  
23 ~~a permit.~~ The department shall inform any interested person  
24 whether or not a local unit of government has an ordinance  
25 regulating wetlands. If the department receives an application  
26 with respect to a wetland ~~which is~~ located in a local unit of  
27 government ~~which~~ **that** has an ordinance regulating wetlands, the

1 department immediately shall forward the application to the local  
2 unit of government, which shall modify, deny, or approve the  
3 application under this subsection. The local unit of government  
4 shall notify the department of its decision. The department  
5 shall proceed as provided in this part.

6 (7) If a local unit of government does not have an ordinance  
7 regulating wetlands, the department shall promptly send a copy of  
8 the permit application to the local unit of government where the  
9 wetland is located. The local unit of government may review the  
10 application; may hold a hearing on the application; and may  
11 recommend approval, modification, or denial of the application to  
12 the department. The recommendations of the local unit of  
13 government shall be made and returned to the department within 45  
14 days after the local unit of government's receipt of the permit  
15 application. ~~The department shall approve, modify, or deny the~~  
16 ~~application as provided in this part.~~

17 (8) In addition to the requirements of subsection (7), the  
18 department shall notify the local unit of government that the  
19 department has issued a permit under this part within the  
20 jurisdiction of that local unit of government within 15 days of  
21 issuance of the permit. The department shall enclose a copy of  
22 the permit with the notice.

23 Sec. 31509. (1) Except as otherwise provided in this part  
24 **or by a permit issued by the department under this part and**  
25 **pursuant to part 13,** a person shall not ~~begin~~ **undertake** any of  
26 the following activities: ~~unless that person has a valid permit~~  
27 ~~issued by the department under this part.~~

- 1 (a) Construction of a new dam.
- 2 (b) Enlargement of a dam or an impoundment.
- 3 (c) Repair of a dam.
- 4 (d) Alteration of a dam.
- 5 (e) Removal of a dam.
- 6 (f) Abandonment of a dam.
- 7 (g) Reconstruction of a failed dam.

8 (2) ~~A person desiring to perform any of the activities~~  
9 ~~listed in subsection (1) shall apply to the department on a form~~  
10 ~~prescribed by the department and shall provide~~ **An application**  
11 **for a permit shall include** information that the department  
12 determines is necessary for the administration of this part. If  
13 a project includes activities at multiple locations, 1  
14 application may be filed for the combined activities.

15 (3) An application for a permit for construction of a new  
16 dam, reconstruction of a failed dam, or enlargement of a dam  
17 shall be accompanied by the following fees:

18 (a) For a dam with a height of 6 feet or more but less than  
19 10 feet, \$500.00.

20 (b) For a dam with a height of 10 feet or more but less than  
21 20 feet, \$1,000.00.

22 (c) For a dam with a height of 20 feet or more, \$3,000.00.

23 (4) An application for a permit for the repair, alteration,  
24 removal, or abandonment of a dam shall be accompanied by a fee of  
25 \$200.00, and an application for a permit for a minor project  
26 pursuant to section 31513(1) shall be accompanied by a fee of  
27 \$100.00.

1 (5) The department shall waive the fees under this section  
2 for applications from state agencies, department sponsored  
3 projects located on public lands, and organizations of the type  
4 described in section 31508(2)(a) through (c).

5 (6) 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 Sec. 31512. ~~-(1) The department shall grant or deny a~~  
9 ~~permit within 60 days after the submission of a complete~~  
10 ~~application, or within 120 days after the submission of a~~  
11 ~~complete application if a public hearing is held. If a permit is~~  
12 ~~denied, the department shall provide to the applicant a concise~~  
13 ~~written statement of the reasons for the denial of the permit.~~  
14 ~~If it appears that a minor modification of the application would~~  
15 ~~result in the granting of the permit, the nature of the~~  
16 ~~modification shall be included in the written statement.~~

17 (1) ~~-(2)-~~ When immediate action is necessary to protect the  
18 structural integrity of a dam, the department may issue a permit  
19 before the expiration of the 20-day period referred to in section  
20 31511(1). This subsection does not prohibit an owner from taking  
21 action necessary to mitigate emergency conditions if imminent  
22 danger of failure exists.

23 (2) ~~-(3)-~~ A person applying for a permit to reconstruct a  
24 failed dam shall file a complete application not less than 1 year  
25 after the date of the failure. If such an application is filed  
26 more than 1 year after the date of the failure, the department  
27 shall consider the application to be an application to construct

1 a new dam.

2       Sec. 32312. (1) The department, in order to regulate the  
3 uses and development of high-risk areas, flood risk areas, and  
4 environmental areas and to implement the purposes of this part,  
5 shall promulgate rules. **If permits are required under rules**  
6 **promulgated under this part, the permits shall be issued pursuant**  
7 **to the rules and part 13.** Except as provided under subsection  
8 (2), until October 1, 2008, if permits are required pursuant to  
9 rules promulgated under this part, ~~a fee of \$500.00 shall be~~  
10 ~~submitted to the department with each application for an~~  
11 **application for a permit shall be accompanied by a fee as**  
12 **follows:**

13       **(a) For** a commercial or multi-family residential project, ~~a~~  
14 ~~fee of \$100.00 shall be submitted with each application for~~  
15 **\$500.00.**

16       **(b) For** a single-family home construction, ~~and a fee of~~  
17 ~~\$50.00 shall be submitted with each application for~~ **\$100.00.**

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

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

25       (a) Part 301.

26       (b) Part 303.

27       (c) Part 325.

1 (d) Section 3104.

2 (e) Section 117 of the land division act, 1967 PA 288, MCL  
3 560.117.

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

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

12 Sec. 32503. (1) Except as otherwise provided in this  
13 section, the department, after finding that the public trust in  
14 the waters will not be impaired or substantially affected, may  
15 enter into agreements pertaining to waters over and the filling  
16 in of submerged patented lands, or to lease or deed unpatented  
17 lands, after approval of the state administrative board.  
18 Quitclaim deeds, leases, or agreements covering unpatented lands  
19 may be issued or entered into by the department with any person,  
20 and shall contain such terms, conditions, and requirements as the  
21 department determines to be just and equitable and in conformance  
22 with the public trust. The department shall reserve to the state  
23 all mineral rights, including, but not limited to, coal, oil,  
24 gas, sand, gravel, stone, and other materials or products located  
25 or found in those lands, except where lands are occupied or to be  
26 occupied for residential purposes at the time of conveyance.

27 (2) A riparian owner shall ~~obtain a permit from the~~

1 ~~department before dredging or placing~~ **not dredge or place** spoil  
2 or other materials on bottomland **except as authorized by a permit**  
3 **issued by the department pursuant to part 13.**

4 (3) The department shall not enter into a lease or deed that  
5 allows drilling operations beneath unpatented lands for the  
6 exploration or production of oil or gas.

7 (4) An agreement, lease, or deed entered into under this part  
8 by the department with the United States shall be entered into  
9 and executed pursuant to the property rights acquisition act,  
10 1986 PA 201, MCL 3.251 to 3.262.

11 Sec. 32515. If the department finds that the project will  
12 not injure the public trust or interest including fish and game  
13 habitat, that the project conforms to the requirements of law for  
14 sanitation, and that no material injury to the rights of any  
15 riparian owners on any body of water affected will result, the  
16 department shall issue a permit authorizing enlargement of the  
17 waterway affected. The permit shall provide that the artificial  
18 waterway shall be a public waterway, except intake or discharge  
19 canals or channels on property owned, controlled, and used by a  
20 public utility. ~~The department may impose further conditions in~~  
21 ~~the permit that it finds reasonably necessary to protect the~~  
22 ~~public health, safety, welfare, trust, and interest, and private~~  
23 ~~rights and property.~~ The existing and future owners of land  
24 fronting on the artificial waterway are liable for maintenance of  
25 the waterway in accordance with the conditions of the permit.

26 Sec. 32606. (1) The department shall review each complete  
27 application received for a submerged log removal permit and shall

1 not issue a permit unless the department determines both of the  
2 following:

3 (a) That any adverse impacts, including, but not limited to,  
4 impacts to the environment, natural resources, riparian rights,  
5 and the public trust are minimal and will be mitigated to the  
6 extent practicable.

7 (b) That the proposed activity will not unreasonably affect  
8 the public health, safety, and welfare.

9 (2) The department may determine that certain areas within a  
10 proposed bottomland log removal area described in an application  
11 for a submerged log removal permit shall not be authorized for  
12 submerged log removal based upon adverse impacts, including, but  
13 not limited to, adverse impacts to the environment, natural  
14 resources, riparian rights, and the public trust.

15 ~~(3) The department shall make a decision on whether or not~~  
16 ~~to issue a submerged log removal permit under this part within 90~~  
17 ~~days after the close of the review and comment period under~~  
18 ~~section 32605 or, if a public hearing is held under section~~  
19 ~~32608, within 90 days after the date of that public hearing.~~

20 Sec. 35304. ~~-(1) Beginning on July 5, 1989 and until the~~  
21 ~~local unit of government either adopts a zoning ordinance that is~~  
22 ~~approved by the department or the department issues permits as~~  
23 ~~provided in subsection (3) or (8), whichever occurs first, the~~  
24 ~~local unit of government may require the submittal of~~  
25 ~~applications for permits for uses in critical dune areas. The~~  
26 ~~local unit of government shall evaluate applications for uses and~~  
27 ~~may issue permits for uses in critical dune areas that are in~~

1 ~~conformance with and are at least as environmentally protective~~  
 2 ~~as the model zoning plan.~~

3 ~~—— (2) A local unit of government that elects to issue permits~~  
 4 ~~during the interim period described in subsection (1) shall~~  
 5 ~~notify the department of its decision and shall reflect this~~  
 6 ~~decision by passage of a resolution of its governing body or by~~  
 7 ~~providing documentation to the department that an existing~~  
 8 ~~ordinance meets or exceeds the requirements of the model zoning~~  
 9 ~~plan. Following the passage of the resolution, a local unit of~~  
 10 ~~government may issue permits during the interim period in accord~~  
 11 ~~with the procedures and criteria established in subsection (4).~~

12 ~~—— (3) If by August 1, 1989 a local unit of government has not~~  
 13 ~~passed a resolution indicating its intent to issue permits during~~  
 14 ~~the interim period or submitted an existing ordinance that meets~~  
 15 ~~the requirements of this part, the department shall issue permits~~  
 16 ~~in the same manner provided for local units of government in~~  
 17 ~~subsection (4) for uses within that local unit of government~~  
 18 ~~under the model zoning plan until the local unit of government~~  
 19 ~~submits a zoning ordinance to the department and obtains approval~~  
 20 ~~of the ordinance.~~

21 (1) ~~—(4)—~~ A local unit of government that issues permits  
 22 ~~—during the interim time period provided for in subsection (1),~~  
 23 or the department if it issues permits as provided under  
 24 subsection ~~—(3) or (8),—~~ (5) shall issue **the** permits in  
 25 accordance with **part 13 and** all of the following **requirements**:

26 (a) ~~A person proposing a use within a critical dune area~~  
 27 ~~shall file an application with the local unit of government, or~~

1 ~~with the department if the department is issuing permits under~~  
2 ~~the model zoning plan. The application form~~ **An application for**  
3 **a permit** shall include information that may be necessary to  
4 conform with the requirements of this part. If a project  
5 proposes the use of more than 1 critical dune area location  
6 within a local unit of government, 1 application may be filed for  
7 the uses.

8 (b) Notice of an application filed under this section shall  
9 be sent to a person who makes a written request to the local unit  
10 of government for notification of pending applications  
11 accompanied by an annual fee established by the local unit of  
12 government. The local unit of government shall prepare a monthly  
13 list of the applications made during the previous month and shall  
14 promptly mail copies of the list for the remainder of the  
15 calendar year to the persons who have requested notice. In  
16 addition, if the department issues permits under this part within  
17 a local unit of government, notice of an application shall be  
18 given to the local ~~soil~~ conservation district office, the  
19 county clerk, the county health department, and the local unit of  
20 government in which the property is located. The monthly list  
21 shall state the name and address of each applicant, the location  
22 of the applicant's project, and a summary statement of the  
23 purpose of the use. The local unit of government may hold a  
24 public hearing on pending applications.

25 (c) The notice shall state that unless a written request is  
26 filed with the local unit of government within 20 days after the  
27 notice is mailed, the local unit of government may grant the

1 application without a public hearing. Upon the written request  
2 of 2 or more persons that own real property within the local unit  
3 of government or an adjacent local unit of government, or that  
4 reside within the local unit of government or an adjacent local  
5 unit of government, the local unit of government shall hold a  
6 public hearing pertaining to a permit application.

7 (d) At least 10 days' notice of a hearing to be held pursuant  
8 to this section shall be given by publication in 1 or more  
9 newspapers of general circulation in the county in which the  
10 proposed use is to be located, and in other publications, if  
11 appropriate, to give notice to persons likely to be affected by  
12 the proposed use, and by mailing copies of the notice to the  
13 persons who have requested notice pursuant to subsection (1) and  
14 to the person requesting the hearing.

15 (e) After the filing of an application, the local unit of  
16 government shall grant or deny the permit within 60 days, or  
17 within 90 days if a public hearing is held. When a permit is  
18 denied, the local unit of government shall provide to the  
19 applicant a concise written statement of its reasons for denial  
20 of the permit, and if it appears that a minor modification of the  
21 application would result in the granting of the permit, the  
22 nature of the modification shall be stated. In an emergency, the  
23 local unit of government may issue a conditional permit before  
24 the expiration of the 20-day period referred to in  
25 subdivision (c).

26 (f) The local unit of government shall base a decision to  
27 grant or deny a permit required by this section on the model

1 zoning plan or on any existing ordinance that is in effect in the  
2 local unit of government that provides the same or a greater  
3 level of protection for critical dune areas and that is approved  
4 by the department.

5       (2) ~~—(5)—~~ A local unit of government zoning ordinance  
6 regulating critical dune areas may be more restrictive of  
7 development and more protective of critical dune areas than the  
8 model zoning plan.

9       (3) ~~—(6)—~~ As soon as possible following adoption of a zoning  
10 ordinance enacted pursuant to this part, the local unit of  
11 government shall submit to the department a copy of the ordinance  
12 that it determines meets the requirements of this part. If the  
13 local unit of government has an existing ordinance that it  
14 contends is at least as restrictive as the model zoning plan,  
15 that ordinance may be submitted to the department at any time.  
16 The department shall review zoning ordinances submitted under  
17 this section to assure compliance with this part. If the  
18 department finds that an ordinance is not in compliance with this  
19 part, the department shall work with the local unit of government  
20 to bring the ordinance into compliance and inform the local unit  
21 of the failure to comply and in what ways the submitted ordinance  
22 is deficient. Unless a local unit of government receives notice  
23 within 90 days of submittal that the ordinance they submit to the  
24 department under this subsection is not in compliance with this  
25 part, the local unit of government shall be considered to be  
26 approved by the department.

27       (4) ~~—(7)—~~ A local unit of government may adopt, submit to the

1 department, and obtain approval of a zoning ordinance based on  
2 the model zoning plan or an equivalent ordinance as provided in  
3 this section by June 30, 1990. If a local unit does not have an  
4 approved ordinance by June 30, 1990, the department shall  
5 implement the model zoning plan for that local unit of government  
6 in the same manner and under the same circumstances as provided  
7 in subsection ~~(4)~~ (1). Notwithstanding any other provision of  
8 this part, a local unit of government may adopt a zoning  
9 ordinance at any time, and upon the approval of the department,  
10 that ordinance shall take the place of the model zoning plan  
11 implemented by the department.

12 (5) ~~(8)~~ If a local unit of government in which a proposed  
13 use is to be located does not elect to issue permits or does not  
14 receive approval of a zoning ordinance that regulates critical  
15 dune areas, the department shall implement the model zoning plan  
16 in the place of the local unit of government and issue special  
17 exceptions in the same circumstances as provided in this part for  
18 the issuance of variances by local units of government.

19 ~~(9) The department shall develop permit application forms to~~  
20 ~~implement this section.~~

21 (6) ~~(10)~~ The department shall assist local units of  
22 government in developing ordinances that meet the requirements of  
23 this part.

24 Sec. 36505. (1) Except as otherwise provided in this part,  
25 a person shall not take, possess, transport, import, export,  
26 process, sell, offer for sale, buy, or offer to buy, and a common  
27 or contract carrier shall not transport or receive for shipment,

1 any species of fish, plants, or wildlife appearing on the  
2 following lists:

3 (a) The list of fish, plants, and wildlife indigenous to the  
4 state determined to be endangered or threatened within the state  
5 pursuant to section 36503 or subsection (3).

6 (b) The United States list of endangered or threatened native  
7 fish and wildlife.

8 (c) The United States list of endangered or threatened  
9 plants.

10 (d) The United States list of endangered or threatened  
11 foreign fish and wildlife.

12 (2) A species of fish, plant, or wildlife appearing on any of  
13 the lists delineated in subsection (1) which enters the state  
14 from another state or from a point outside the territorial limits  
15 of the United States may enter, be transported, possessed, and  
16 sold in accordance with the terms of a federal permit issued  
17 pursuant to section 10 of the endangered species act of 1973,  
18 ~~Public Law 93-205, 16 U.S.C.~~ **16 USC** 1539, or an applicable  
19 permit issued under the laws of another state.

20 (3) The department may, by rule, treat any species as an  
21 endangered species or threatened species even though it is not  
22 listed pursuant to section 36503, if it finds any of the  
23 following:

24 (a) The species so closely resembles in appearance, at the  
25 point in question, a species which is listed pursuant to section  
26 36503 that enforcement personnel would have substantial  
27 difficulty in attempting to differentiate between the listed and

1 unlisted species.

2 (b) The effect of the substantial difficulty in  
3 differentiating between a listed and an unlisted species is an  
4 additional threat to an endangered or threatened species.

5 (c) The treatment of an unlisted species will substantially  
6 facilitate the enforcement and further the intent of this part.

7 (4) The department may permit the taking, possession,  
8 purchase, sale, transportation, exportation, or shipment of  
9 species of fish, plants, or wildlife which appear on the state  
10 list of endangered or threatened species compiled pursuant to  
11 section 36503 and subsection (3) for scientific, zoological, or  
12 educational purposes, for propagation in captivity of such fish,  
13 plants, or wildlife to ensure their survival.

14 (5) Upon good cause shown and where necessary to alleviate  
15 damage to property or to protect human health, endangered or  
16 threatened species found on the state list compiled pursuant to  
17 section 36503 and subsection (3) may be removed, captured, or  
18 destroyed, but only ~~pursuant to~~ **as authorized by** a permit  
19 issued by the department **pursuant to part 13**. Carnivorous  
20 animals found on the state list may be removed, captured, or  
21 destroyed by any person in emergency situations involving an  
22 immediate threat to human life, but the removal, capture, or  
23 destruction shall be reported to the department within 24 hours  
24 of the act.

25 (6) This section does not prohibit any of the following:

26 (a) The importation of a trophy under a permit issued  
27 pursuant to section 10 of the endangered species act of 1973,

1 ~~Public Law 93-205, 16 U.S.C.~~ **16 USC** 1539, which is not for  
2 resale and which was lawfully taken in a manner permitted by the  
3 laws of the state, territory, or country where the trophy was  
4 caught, taken, or killed.

5 (b) The taking of a threatened species when the department  
6 has determined that the abundance of the species in the state  
7 justifies a controlled harvest not in violation of federal law.

8 (c) Subject to any permits that may be required by the  
9 department, the possession, transfer, transportation,  
10 importation, or exportation or the transport or receipt for  
11 shipment by a common or contract carrier of a raptor or the  
12 captive-bred progeny of a raptor, a raptor egg, or raptor semen  
13 acquired in accordance with applicable state and federal laws and  
14 regulations which allow raptors, raptor eggs, or raptor semen to  
15 be used in falconry or in the captive propagation of raptors for  
16 use in falconry.

17 (d) Subject to any permits that may be required by the  
18 department, the selling, offering for sale, buying, or offering  
19 to buy a raptor that was captive-bred or semen from a raptor that  
20 was captive-bred in accordance with applicable state and federal  
21 laws and regulations which allow raptors or raptor semen to be  
22 used in falconry or in captive propagation of raptors for use in  
23 falconry.

24 Sec. 41702. The department may issue licenses authorizing  
25 the establishment and operation of game bird hunting preserves  
26 **pursuant to part 13**. The fee for a license is \$105.00 for a  
27 preserve of 320 acres or less and \$180.00 for a preserve in

1 excess of 320 acres. Unless revoked as provided by law, licenses  
2 issued under this section are valid from the date of issuance  
3 until June 30 of the third license year. Game bird hunting  
4 preserves licensed under this section may allow hunting on  
5 Sundays, notwithstanding the provisions of a local ordinance or  
6 regulation.

7       Sec. 41709. ~~A person applying~~ **An application** for a  
8 license under this part shall ~~submit an application to the~~  
9 ~~department on forms furnished by the department, stating~~ **state**  
10 the name and address of the applicant, the legal description of  
11 the premises to be licensed, the kind of birds to be covered by  
12 the license, and other information required by the department.  
13 ~~The department shall prepare and distribute suitable forms~~  
14 ~~necessary to implement this part.~~

15       Sec. 42101. Upon application of any club or organization  
16 having 10 or more members who are citizens of this state, or upon  
17 the application of 10 or more citizens of this state, and the  
18 payment of a registration fee of \$5.00, the department, **pursuant**  
19 **to part 13**, may issue a permit authorizing the establishment and  
20 maintenance by the club, organization, or citizens on land owned  
21 by them, or over which they have legal control, of a special dog  
22 training area where dogs may be trained at any time during the  
23 year. A dog training area shall not be less than 40 acres or  
24 more than 240 acres, and permits shall not be issued for more  
25 than 6 special dog training areas in any 1 county. In counties  
26 having a population of 100,000 or more, the department may issue  
27 additional permits as the department considers to be in the

1 public interest.

2       Sec. 42501. (1) A person shall not engage in the business  
3 of buying, selling, dealing, or the tanning and dressing of raw  
4 furs, hides, or pelts of beaver, otter, fisher, marten, muskrat,  
5 mink, skunk, raccoon, opossum, wolf, lynx, bobcat, fox, weasel,  
6 coyote, badger, deer, or bear and the plumage, skins, or hides of  
7 protected game birds ~~and~~ **or** game animals ~~until that person~~  
8 ~~procures a license to do so from the department. Fees payable to~~  
9 ~~the department for such a license are~~ **except as authorized by a**  
10 **license issued by the department pursuant to part 13. A license**  
11 **application shall be accompanied by a fee** as follows:

12       (a) For any person who engages in the business of buying and  
13 selling raw furs, hides, and pelts of fur-bearing animals ~~and~~  
14 **or** the plumage, skins, or hides of protected game birds ~~and~~ **or**  
15 game animals, the fee is \$10.00.

16       (b) Each person in the business of manufacturing furs who  
17 buys raw pelts is a dealer, and the fee for each ~~such resident~~  
18 ~~citizen,~~ **individual** or agent who buys furs ~~,~~ **is, for a**  
19 **resident,** \$10.00 ~~,~~ and, for ~~each~~ **a nonresident,** ~~the fee is~~  
20 \$50.00.

21       (c) ~~The fee for~~ **For** any person who engages in the business  
22 of custom tanning or dressing of raw furs, **the fee** is \$5.00. ~~,~~  
23 ~~but~~ **However,** such a license does not authorize that person to  
24 buy or sell raw furs.

25       (2) Any person holding a fur dealer's license under this part  
26 is entitled to buy furs, hides, pelts, and the plumage, skins, or  
27 hides, ~~or~~ **and** parts thereof, of protected game birds and game

1 animals that are legally taken.

2 (3) A person holding a fur dealer's license under this part  
3 is not eligible to secure or hold a license to trap beaver.

4 (4) The department may designate the plumage and skin of  
5 those game birds and game animals that may not be bought or sold  
6 if it determines that such a prohibition will best serve the  
7 public interest. The plumage and skins, or parts of plumage and  
8 skins, of migratory game and nongame birds may be bought and sold  
9 only in accordance with federal law or rule.

10 (5) For the purposes of this part, "plumage" means any part  
11 of the feathers, head, wings, or tail of any bird.

12 Sec. 42702. The department may, **pursuant to part 13**, issue  
13 licenses to authorize the possession for propagation, and for  
14 dealing in and selling game. A license shall not be granted to  
15 an applicant who is not the owner or lessee of the premises to be  
16 used for the purposes designated by the license. A license  
17 issued pursuant to this part is nontransferable and is valid from  
18 July 1 to June 30 of the third license year.

19 (2) Section 40111a of the natural resources and environmental  
20 protection act, 1994 PA 451, MCL 324.40111a, is repealed  
21 effective December 31, 2004.

22 Sec. 44513. (1) The department may enter into reciprocal  
23 agreements with other states and countries concerning the  
24 operation and inspection of charter boats from those states and  
25 countries that operate on the waters of this state. Reciprocity  
26 shall be granted only if a state or country can establish to the  
27 satisfaction of the department that their laws ~~and standards~~

1 concerning charter boats meet or exceed the laws ~~and rules~~ of  
2 this state. A charter boat ~~that operates~~ **shall not operate** on  
3 the waters of this state under a reciprocal agreement pursuant to  
4 this section ~~shall obtain~~ **except as authorized under** an annual  
5 operating permit ~~from the department for a fee of \$100.00 for~~  
6 ~~each year the charter boat does business on the waters of this~~  
7 ~~state~~ **issued by the department pursuant to part 13. The fee for**  
8 **an annual operating permit is \$100.00.** The department shall  
9 utilize the fees for annual operating permits issued pursuant to  
10 this section to provide funds for the education and enforcement  
11 program provided for in subsection (2).

12 (2) The department shall develop an education and enforcement  
13 program designed to eliminate the operation of charter and livery  
14 boats that have not been inspected as required by this part and  
15 to prepare printed materials to provide the public with  
16 information regarding the safety features and requirements  
17 necessary for the lawful operation of charter and livery boats.

18 Sec. 44517. (1) Any livery boat more than 20 feet in  
19 length, except for a class E vessel that is a livery boat, that  
20 is used or to be used on navigable waters without the owner being  
21 either on board or operating the vessel shall pay the inspection  
22 fees established pursuant to section 44511 for each livery boat  
23 to be inspected. Fees collected pursuant to this section shall  
24 be forwarded to the department. The department shall utilize the  
25 fees to develop and maintain the education and enforcement  
26 program provided for in section 44513(2).

27 (2) Upon receipt of the required fee and an application for

1 an inspection and a permit, the department shall inspect, or  
2 provide for inspection of by the county sheriff or sheriff's  
3 deputy, all livery boats and their equipment of the boat livery.  
4 Upon completion of the inspection, the department, county  
5 sheriff, or the sheriff's deputy shall, **pursuant to part 13,**  
6 approve the issuance of a permit to operate a boat livery,  
7 provided the requirements of this part are met. A permit  
8 furnished by the department shall be prominently displayed on the  
9 site of the boat livery and shall expire on December 31 of each  
10 year in which a permit is issued.

11 Sec. 45503. The department may, ~~upon written application~~  
12 **pursuant to part 13,** issue permits to take frogs at any season of  
13 the year if used for scientific or experimental purposes. These  
14 permits are revocable at the pleasure of the department.

15 Sec. 45902. (1) A person shall not propagate, rear, or have  
16 in possession for the purpose of offering for sale or selling any  
17 kind of game fish ~~unless he or she has applied for and been~~  
18 ~~issued a license as provided in this part. All such licenses are~~  
19 ~~nontransferable and expire~~ **except as authorized by a license**  
20 **issued by the department pursuant to part 13. A license is**  
21 **nontransferrable and expires** on December 31 of the year for which  
22 issued. A separate license is required for each place of  
23 business where game fish are propagated, reared, or possessed for  
24 the purpose of sale or offering for sale.

25 (2) This part does not apply to the following:

26 (a) The sale, offering for sale, or possession of dead,  
27 fresh, or frozen brook trout, brown trout, or rainbow trout

1 lawfully taken in and exported from another state or country or  
2 that have been procured from a licensed dealer within this  
3 state.

4 (b) The propagation, rearing, possession, or sale of game  
5 fish pursuant to a registration or permit issued pursuant to the  
6 Michigan aquaculture development act, **1996 PA 199, MCL 286.871 to**  
7 **286.884.**

8 Sec. 45903. Any person owning or having control of private  
9 waters in this state who desires a license under this part shall  
10 make application for the license to the department, ~~on a form~~  
11 ~~provided by the department,~~ accompanied by a fee of \$5.00. The  
12 application shall state the name and address of the applicant and  
13 include the description of the premises where game fish are to be  
14 propagated, reared, possessed, or offered for sale, together with  
15 additional information as may be required. Upon receipt of the  
16 application and fee, the department, if satisfied that this part  
17 and the rules promulgated under this part have been complied  
18 with, shall issue a license to the applicant.

19 Sec. 45906. (1) A person shall not import into this state  
20 any live game fish, including viable eggs of any game fish,  
21 ~~without a license as provided for in this part~~ **except as**  
22 **authorized by a license as provided for in this part issued by**  
23 **the department pursuant to part 13.** A license under this  
24 subsection does not apply to a genetically engineered variant of  
25 a live game fish species unless the genetically engineered  
26 variant is specifically identified in the license.

27 (2) The department may promulgate rules under this part to

1 prohibit or restrict the importation of any species of game fish  
2 or other fish ~~when~~ **if** the importation of that species would  
3 endanger the public fishery resources of this state. A  
4 prohibition or restriction in rules promulgated under this  
5 subsection applies to a genetically engineered variant of a fish  
6 species identified in the prohibition or restriction unless the  
7 prohibition or restriction specifically provides otherwise. A  
8 prohibition or restriction in rules promulgated under this  
9 subsection may be limited to a genetically engineered fish.

10       Sec. 51311. **(1)** The supervisor or assessor shall personally  
11 examine the various private forest reservations when the real  
12 estate is assessed for taxation, and note upon return the  
13 condition of the trees and whether the trees are properly planted  
14 and continuously cared for, so that the intent of this part may  
15 be complied with. If the private reservation is properly planted  
16 and continuously cared for in accordance with this part, the part  
17 of its value, over and above \$1.00 per acre, is exempt from all  
18 taxation.

19       **(2)** If the owner of a private forest reservation provided for  
20 in this part wishes to cut and harvest trees in the reservation,  
21 except for firewood or building material for the domestic use of  
22 the owner or his or her tenant, the owner shall notify the tax  
23 assessor of his or her district of the intention. ~~and after~~  
24 **After** the trees are cut ~~and~~ **but** before their removal from the  
25 land, the owner shall make an accurate measurement or count of  
26 all the trees cut, and file with the assessor a true and accurate  
27 return of the measurement or count and of the variety and value

1 of the trees so cut. The assessor shall forthwith assess the  
2 stumpage value of the cut timber and, **pursuant to part 13**, issue  
3 a license to remove the timber. The license is in effect upon  
4 payment to the collector of taxes of the district of a fee of 5%  
5 of the appraised valuation. The assessor shall notify the clerk  
6 and the tax collector of his or her district of the issuance of  
7 the license. If any timber is removed without payment of the  
8 license fee, it is the duty of the tax collector to levy upon the  
9 timber for collection of the license fee in the manner provided  
10 by law for the collection of personal taxes.

11 (3) If the owner of a private forest reservation wishes to  
12 withdraw land from the classification of a private forest  
13 reserve, or fails to comply with this part, the tax assessor of  
14 the district shall estimate the cash value of the timber on the  
15 stump and the owner shall pay a fee of 5% of the appraised  
16 valuation. ~~and, upon refusing or neglecting~~ **If the owner**  
17 **fails** to make the payment, the tax collector shall levy upon the  
18 timber for collection of the fee in the manner provided by law  
19 for the collection of personal taxes.

20 Sec. 61525. (1) A person shall not drill or begin the  
21 drilling of any well for oil or gas, for secondary recovery, or a  
22 well for the disposal of salt water, or brine produced in  
23 association with oil or gas operations or other oil field wastes,  
24 or wells for the development of reservoirs for the storage of  
25 liquid or gaseous hydrocarbons, ~~until the owner directly or~~  
26 ~~through his or her authorized representatives applies to drill~~  
27 ~~and operate any such well,~~ **except as authorized by a permit to**

1 **drill and operate the well issued by the supervisor of wells**  
2 **pursuant to part 13 and unless the person** files with the  
3 supervisor a bond as provided in section 61506. ~~—, and receives~~  
4 ~~and posts—~~ **The permittee shall post the permit** in a conspicuous  
5 place at the location of the well ~~—a permit—~~ as provided in the  
6 rules and requirements or orders issued or promulgated by the  
7 supervisor. ~~—A~~ **An application for a permit shall be accompanied**  
8 **by a fee of \$300.00.** ~~—shall be charged for a permit to drill and~~  
9 ~~operate a well subject to this part. Upon receiving and~~  
10 ~~accepting a complete and accurate written application and payment~~  
11 ~~of the fee required, the supervisor shall within 10 days after~~  
12 ~~that date issue to an owner or his or her authorized~~  
13 ~~representative a permit to drill and operate.—~~ A permit to drill  
14 and operate shall not be issued to an owner or his or her  
15 authorized representative who does not comply with the rules and  
16 requirements or orders issued or promulgated by the supervisor.  
17 A permit shall not be issued to an owner or his or her authorized  
18 representative who has not complied with or is in violation of  
19 this part or any of the rules, requirements, or orders issued or  
20 promulgated by the supervisor or the department.

21 (2) The supervisor shall forward all fees received under this  
22 section to the state treasurer for deposit in the fund.

23 (3) The supervisor shall make available to any person, upon  
24 request, not less often than weekly, the following information  
25 pertaining to applications for permits to drill and operate:

26 (a) Name and address of the applicant.

27 (b) Location of proposed well.

1 (c) Well name and number.

2 (d) Proposed depth of the well.

3 (e) Proposed formation.

4 (f) Surface owner.

5 (g) Whether hydrogen sulfide gas is expected.

6 (4) The supervisor shall provide the information under  
7 subsection (3) to the county in which an oil or gas well is  
8 proposed to be located and to the city, village, or township in  
9 which the oil or gas well is proposed to be located if that city,  
10 village, or township has a population of 70,000 or more. A city,  
11 village, township, or county in which an oil or gas well is  
12 proposed to be located may provide written comments and  
13 recommendations to the supervisor pertaining to applications for  
14 permits to drill and operate. The supervisor shall consider all  
15 such comments and recommendations in reviewing the application.

16 Sec. 62509. (1) A person shall not drill or begin the  
17 drilling of any brine, storage, or waste disposal well, or  
18 convert any well for these uses, ~~until the owner directly or~~  
19 ~~through his or her authorized representative files a written~~  
20 ~~application for a permit to drill or convert a well, pays the~~  
21 ~~application fee provided in subsection (6), files~~ **and except as**  
22 **authorized by a permit issued by the supervisor of mineral wells**  
23 **pursuant to part 13 and rules promulgated by the supervisor of**  
24 **mineral wells, and unless the person files with the supervisor of**  
25 **mineral wells an approved surety or security bond. The**  
26 **application shall be accompanied by a survey of the well site. —**  
27 ~~files an approved surety or security bond, and receives a permit~~

~~1 pursuant to the rules of the supervisor of mineral wells. Within~~  
~~2 10 days after receiving the prescribed application and fee, and~~  
~~3 following investigation, inspection, and approval, the supervisor~~  
~~4 of mineral wells shall issue the well permit. The department~~  
**5 shall conduct an investigation and inspection before the**  
**6 supervisor of mineral wells issues a permit.** A permit shall not  
7 be issued to any owner or his or her authorized representative  
8 who does not comply with the rules of the supervisor of mineral  
9 wells or who is in violation of this part or any rule of the  
10 supervisor of mineral wells. Upon completion of the drilling or  
11 converting of a well for storage or waste disposal and after  
12 necessary testing by the owner to determine that the well can be  
13 used for these purposes and in a manner that will not cause  
14 surface or underground waste, the supervisor of mineral wells,  
15 upon receipt of appropriate evidence, shall approve and regulate  
16 the use of the well for storage or waste disposal. These  
17 operations shall be pursuant to part 31. The supervisor of  
18 mineral wells may schedule a public hearing to consider the need  
19 or advisability of permitting the drilling or operating of a  
20 storage or waste disposal well, or converting a well for these  
21 uses, if the public safety or other interests are involved.

~~22 (2) A person shall not drill a test well 50 feet or greater~~  
~~23 in depth into the bedrock or below the deepest freshwater strata,~~  
~~24 except as provided in section 62508(c), until the owner directly~~  
~~25 or through his or her authorized representative files a written~~  
~~26 application for a permit to drill, pays the permit application~~  
**27 except as authorized by a permit issued by the supervisor of**

1 mineral wells pursuant to part 13 and rules promulgated by the  
2 supervisor of mineral wells, and unless the person files with the  
3 supervisor of mineral wells an approved surety or security bond.  
4 The application shall be accompanied by the fee provided in  
5 subsection (6). ~~, files an approved surety or security bond, and~~  
6 ~~receives a permit pursuant to the rules of the supervisor of~~  
7 ~~mineral wells. Within 10 days after receiving the prescribed~~  
8 ~~application and fee, and following necessary investigation,~~  
9 ~~inspection, and approval, the supervisor of mineral wells shall~~  
10 ~~issue the permit.~~ **The department shall conduct an investigation**  
11 **and inspection before the supervisor of mineral wells issues a**  
12 **permit.** A permit shall not be issued to any owner or his or her  
13 authorized representative who does not comply with the rules of  
14 the supervisor of mineral wells or who is in violation of this  
15 part or any rule of the supervisor of mineral wells. A test well  
16 that penetrates below the deepest freshwater stratum or is  
17 greater than 250 feet in depth is subject to an individual test  
18 well permit. A test well that does not penetrate below the  
19 deepest freshwater stratum and is 250 feet or less in depth is  
20 subject to a blanket test well permit. This subsection does not  
21 apply to a test well regulated under part 111 or part 115, or a  
22 water well regulated under part 127 of the public health code,  
23 1978 PA 368, MCL 333.12701 to 333.12771.

24 (3) A permit is not required to drill a test well in those  
25 areas of the state where rocks of Precambrian age directly  
26 underlie unconsolidated surface deposits or in those areas that  
27 have been designated pursuant to section 62508(c). However,

1 within 2 years after completion of the drilling of the well, the  
2 owner shall advise the supervisor of mineral wells of the  
3 location of the well and file with the supervisor of mineral  
4 wells the log required under section 62508(d). The provisions of  
5 this part pertaining to the prevention and correction of surface  
6 and underground waste have the same application to these test  
7 wells as to other wells defined in this part.

8 (4) Upon request, the supervisor of mineral wells may issue  
9 to qualified persons a blanket permit to drill within a county  
10 test wells which will not penetrate below the deepest freshwater  
11 stratum and are 250 feet or less in depth.

12 (5) All information and records pertaining to the application  
13 for and issuance of permits for wells subject to this part shall  
14 be held confidential in the same manner as provided for logs and  
15 reports on these wells.

16 (6) A permit application submitted under this section shall  
17 be accompanied by the following permit application fee:

- 18 (a) Disposal well for disposal of waste
- 19 products other than processed brine..... \$2,500.00.
- 20 (b) Disposal well for disposal of processed
- 21 brine..... \$500.00.
- 22 (c) Storage well..... \$500.00.
- 23 (d) Natural brine production well..... \$500.00.
- 24 (e) Artificial brine production well..... \$500.00.
- 25 (f) Individual test well under subsection (2) \$500.00.
- 26 (g) Blanket permit for test wells drilled pursuant to
- 27 subsection (4):

1	(i) 1 to 24 wells.....	\$75.00.
2	(ii) 25 to 49 wells.....	\$150.00.
3	(iii) 50 to 75 wells.....	\$300.00.
4	(iv) 75 to 200 wells.....	\$600.00.

5 (7) The supervisor of mineral wells shall deposit all permit  
6 application fees collected under this section into the fund.

7 Sec. 63103c. (1) A metallic mineral mining permit issued by  
8 the department is valid for the life of the mine. However, the  
9 department may revoke a metallic mineral mining permit under the  
10 following conditions:

11 (a) The person holding the permit has not commenced  
12 construction of plant facilities or conducted actual mining and  
13 reclamation activities covered by the permit within 3 years after  
14 the date of issuance of the permit.

15 (b) The permittee requests the revocation of the metallic  
16 mineral mining permit and the department determines the mining  
17 activity has not polluted, impaired, or destroyed the air, water,  
18 or other natural resources or the public trust in those  
19 resources, as provided in part 17.

20 (c) The permittee fails to submit the annual report of  
21 production as required by section 63103d(2).

22 (d) The department finds that the permittee is not in  
23 compliance with this part, the rules promulgated under this part,  
24 or the metallic mineral permit and there exists an imminent  
25 threat to the health and safety of the public.

26 (2) The department may order immediate suspension of any or  
27 all activities at a metallic mineral mining operation, including

1 the removal of metallic product from the site, if the department  
2 finds there exists an emergency endangering the public health and  
3 safety or an imminent threat to the natural resources of the  
4 state.

5 (3) An order suspending operations shall be in effect for the  
6 shorter of the following time periods: not more than 10 days, or  
7 until the operation is in compliance and protection of the public  
8 health and safety is ensured or the threat to the natural  
9 resources has been eliminated. To extend the suspension beyond  
10 10 days, the department shall issue an emergency order to  
11 continue the suspension of operations and shall schedule a  
12 hearing as provided by the administrative procedures act of 1969,  
13 1969 PA 306, MCL 24.201 to 24.328. The total duration of the  
14 suspension of operations shall not be more than 30 days.

15 (4) A metallic mineral mining permit may be transferred to a  
16 new person with approval of the department. The person acquiring  
17 the permit shall submit a request for transfer of the permit to  
18 the department on forms provided by the department. The person  
19 acquiring the permit shall accept the conditions of the existing  
20 permit and adhere to the requirements set forth on the approved  
21 mining and reclamation plan. Pending the transfer of the  
22 existing permit, the person acquiring the permit shall not  
23 operate the mine.

24 (5) A metallic mineral mining permit shall not be transferred  
25 to a person who has been determined to be in violation of any of  
26 the following, until the person acquiring the permit has  
27 corrected the violation or the department has accepted a

1 compliance schedule and a written agreement has been reached to  
2 correct the violations:

3 (a) This part.

4 (b) The rules promulgated under this part.

5 (c) Permit conditions.

6 (d) An order of the department. ~~of environmental quality.~~

7 (6) If the permittee of a metallic mineral mining operation  
8 is under notice because of unsatisfactory conditions at the  
9 mining site involved in the transfer, then the permit for the  
10 mining operation shall not be transferred to a person until the  
11 permittee has completed the necessary corrective actions or the  
12 person acquiring the permit has entered into a written agreement  
13 to correct all of the unsatisfactory conditions.

14 ~~(7) Upon receipt of an application for a permit, the~~  
15 ~~department shall have up to 60 days to review the application to~~  
16 ~~determine if the application is accurate and complete. If the~~  
17 ~~application is determined to be inaccurate or incomplete, then~~  
18 ~~the department shall provide the person making the application~~  
19 ~~for a permit, within the 60-day period, with a notice that the~~  
20 ~~application is inaccurate or incomplete and what changes or~~  
21 ~~additional information shall be submitted. Upon receipt of the~~  
22 ~~requested information, the department shall have up to an~~  
23 ~~additional 30 days to review the information to determine if the~~  
24 ~~application is accurate and complete. Upon completion of the~~  
25 ~~review process, the department shall approve or deny a metallic~~  
26 ~~mineral mining permit application in writing within 60 days after~~  
27 ~~the application is determined by the department to be~~

1 ~~administratively complete. A determination of administrative~~  
2 ~~completeness shall not be construed to mean that additional~~  
3 ~~information may not be required from the applicant as a result of~~  
4 ~~new circumstances that come to the attention of the department.~~  
5 ~~If a metallic mineral permit is denied, the reasons shall be~~  
6 ~~stated in a written report to the applicant.~~

7       (7) ~~-(8)-~~ A metallic mineral mining permit may be amended  
8 upon submission to the department of a request by the permittee.  
9 Upon receipt of the request to amend an existing metallic mineral  
10 permit, the department shall determine if the request constitutes  
11 a significant change from the conditions of the approved permit.  
12 If the department determines the request is a significant change  
13 from the conditions of the approved permit, the department may  
14 submit the request for amendment to the same review process as  
15 provided in section 63103c(7). If a request to amend the permit  
16 is denied, the reasons for denial shall be stated in a written  
17 report to the permittee. If the department determines the  
18 request for amendment does not constitute a significant change  
19 from the conditions of the approved permit, the department shall  
20 approve the amendment and notify the permittee.

21       Sec. 63524. (1) ~~On the basis of a complete application for~~  
22 ~~a surface coal mining and reclamation permit or a revision or~~  
23 ~~renewal of a permit, the department shall grant, require~~  
24 ~~modification of, or deny the application for a permit within 120~~  
25 ~~days after the application is submitted to the department, except~~  
26 ~~that an application submitted pursuant to section 63514(2) shall~~  
27 ~~be granted, modified, or denied within 120 days after the~~

1 ~~approval of this state's program. The department shall notify~~  
2 ~~the applicant in writing of its decision regarding granting,~~  
3 ~~modifying, or denying the application for a permit. The~~  
4 applicant for a permit or revision of a permit has the burden of  
5 establishing that his or her application is in compliance with  
6 all the requirements of this part. Within 3 days after the  
7 granting of a permit, but before the permit is issued, the  
8 department shall notify the county clerk in each county in which  
9 the land to be affected is located that a permit has been issued  
10 and shall describe the location of the land.

11 (2) An application for a permit or revision of a permit shall  
12 not be approved unless the department finds, in writing, that all  
13 the following requirements have been met:

14 (a) The application is accurate and complete and complies  
15 with all of the requirements of this part.

16 (b) The applicant has demonstrated that reclamation as  
17 required by this part can be accomplished under the reclamation  
18 plan contained in the application.

19 (c) An assessment of the probable cumulative impact of all  
20 anticipated surface coal mining inside and outside the permit  
21 area on the hydrologic balance, including quantitative and  
22 qualitative analyses, has been made by the department, and the  
23 proposed operation has been designed to prevent material damage  
24 to the hydrologic balance inside and outside the permit area.

25 (d) The area proposed to be mined is not included within an  
26 area designated unsuitable for surface coal mining pursuant to  
27 this part and is not within an area under study for this

1 designation in an administrative proceeding commenced pursuant to  
2 this part, unless in the area as to which an administrative  
3 proceeding has commenced, the applicant demonstrates that, prior  
4 to January 1, 1977, the applicant has made substantial legal and  
5 financial commitments in relation to the operation for which the  
6 applicant is applying for a permit.

7 (e) If the ownership of the coal has been severed from the  
8 private surface estate, the applicant has submitted to the  
9 department either the written consent of the surface owner to the  
10 extraction of coal by surface mining methods or a conveyance that  
11 expressly grants or reserves the right to extract the coal by  
12 surface mining methods. However, if the conveyance does not  
13 expressly grant the right to extract coal by surface mining  
14 methods, the surface-subsurface legal relationship shall be  
15 determined in accordance with state law, except that this part  
16 does not authorize the department to adjudicate property rights  
17 disputes.

18 (f) If the department of history, arts, and libraries  
19 determines that the proposed surface mining operation will  
20 adversely affect a historic resource, the application is approved  
21 jointly by the department, by the federal, state, or local agency  
22 with jurisdiction over the historic resource, and by the  
23 department of history, arts, and libraries.

24 (3) The applicant shall file, with the application, a  
25 schedule listing all notices of violations of this part or other  
26 law of this state and any law, rule, or regulation of the United  
27 States or of any department or agency in the United States

1 pertaining to air or water environmental protection incurred by  
2 the applicant in connection with a surface coal mining operation  
3 during the 3-year period prior to the date of application. The  
4 schedule shall include the final resolution of notice of the  
5 violation. If the schedule or other information available to the  
6 department indicates that a surface coal mining operation owned  
7 or controlled by the applicant is currently in violation of this  
8 part or other laws referred to in this subsection, the permit  
9 shall not be issued until the applicant submits affidavits that  
10 the violation has been corrected or is in the process of being  
11 corrected to the satisfaction of the department or the agency  
12 that has jurisdiction over the violation or that the notice of  
13 violation is being contested by the applicant. A permit shall  
14 not be issued to an applicant after a finding by the department,  
15 after opportunity for hearing, that the applicant, or the  
16 operator specified in the application, controls or has controlled  
17 mining operations with a demonstrated pattern of violations of  
18 this part of such nature and duration with such resulting  
19 pollution, impairment, or destruction to the environment as to  
20 indicate an intent not to comply with this part.

21 (4) If the area proposed to be mined contains agricultural  
22 land, the department shall consult with the director of the  
23 department of agriculture and the secretary of the United States  
24 department of agriculture and shall not grant a permit to mine on  
25 agricultural land unless the department finds in writing that the  
26 operator has the technological capability to restore the mined  
27 area and any other areas impacted by the surface coal mining

1 operation within a reasonable time to equivalent or higher levels  
2 of yield as nonmined agricultural land in the surrounding area  
3 under equivalent levels of management, and also finds that the  
4 applicant can meet the soil reconstruction standards of this  
5 part.

6       Sec. 63525. (1) During the term of a permit, the permittee  
7 may submit to the department an application for a revision of the  
8 permit, including a revised reclamation plan. An application for  
9 a revision of a permit shall not be approved unless the  
10 department finds that reclamation as required by this part can be  
11 accomplished under the revised reclamation plan. ~~The revision~~  
12 ~~shall be approved or disapproved within 90 days after it is~~  
13 ~~submitted to the department. The~~ **An application for a revision**  
14 **is subject to part 13, except that the** department shall establish  
15 standards for a determination of the scale or extent of a  
16 revision request for which all permit application information  
17 requirements and procedures shall apply.

18       (2) A transfer, assignment, or sale of the rights granted  
19 under a permit issued pursuant to this part shall not be made  
20 without the written approval of the department.

21       (3) The department shall, within a time limit prescribed by  
22 rule, review outstanding permits. The department may require  
23 revision or modification of the permit provisions during the  
24 terms of the permit based on a change in technology or a change  
25 in circumstances.

26       (4) All action taken by the department under this section  
27 regarding the granting, modification, denial, or revision of a

1 permit shall be conducted pursuant to chapters 4 and 5 of the  
2 administrative procedures act of 1969, ~~Act No. 306 of the Public~~  
3 ~~Acts of 1969, being sections 24.271 to 24.292 of the Michigan~~  
4 ~~Compiled Laws~~ **1969 PA 306, MCL 24.271 to 24.292.**

5 Sec. 63704. (1) ~~After July 1, 1977, a person or operator~~  
6 **A person** shall not engage in sand dune mining within Great Lakes  
7 sand dune areas ~~without first obtaining a permit for that~~  
8 ~~purpose from the department~~ **except as authorized by a permit**  
9 **issued by the department pursuant to part 13.**

10 (2) Prior to receiving a permit from the department, a person  
11 ~~or operator~~ shall submit all of the following:

12 (a) A permit application on a form provided by the  
13 department.

14 (b) An environmental impact statement of the proposed mining  
15 activity as prescribed by section 63705.

16 (c) A progressive cell-unit mining and reclamation plan for  
17 the proposed mining activity as prescribed by section 63706.

18 (d) A 15-year mining plan as prescribed by section 63707.

19 Sec. 63708. (1) A sand dune mining permit issued by the  
20 department is valid for not more than 5 years. A sand dune  
21 mining permit shall be renewed if the sand dune mining activities  
22 have been carried out in compliance with this part, the rules  
23 promulgated under this part, and the conditions of the sand dune  
24 mining permit issued by the department.

25 (2) The sand dune mining permit shall state any conditions,  
26 limitations, or other restrictions determined by the department,  
27 including any setback from the ordinary high-water mark of a

1 Great Lake for the protection of the barrier dune.

2 (3) In granting a sand dune mining permit, if the department  
3 allows for the removal of all or a portion of the barrier dune  
4 pursuant to this part, it shall submit to the commission written  
5 reasons for permitting the removal.

6 ~~(4) The department shall approve or deny a sand dune mining~~  
7 ~~permit application in writing within 120 days after the~~  
8 ~~application is received and is determined by the department to be~~  
9 ~~administratively complete. If a sand dune mining permit is~~  
10 ~~denied, the reasons shall be stated in a written report.~~

11 (4) ~~—(5)—~~ The department shall provide a list of all pending  
12 sand dune mining applications upon a request from a person. The  
13 list shall give the name and address of each applicant, the legal  
14 description of the lands included in the project, and a summary  
15 statement of the purpose of the application.

16 Sec. 72108. (1) The commission may do any of the  
17 following:

18 (a) Grant easements or, **pursuant to part 13**, use permits or  
19 lease land owned by the state that is being used for a Michigan  
20 trailway for a use that is compatible with the use of the  
21 Michigan trailway.

22 (b) Enter into contracts for concessions along a state owned  
23 Michigan trailway.

24 (c) Lease land adjacent to a state owned Michigan trailway  
25 for the operation of concessions.

26 (2) If the commission approves of the acquisition of land by  
27 the department, the commission may state that the specified land

1 is acquired for use as a Michigan railway. Following  
2 acquisition of land that the commission states is acquired for  
3 use as a Michigan railway, any revenue derived from that land  
4 pursuant to subsection (1), except as otherwise provided by law,  
5 shall be deposited into the fund.

6       Sec. 76105. (1) A person, either personally or through an  
7 agent or employee, shall not explore or excavate an aboriginal  
8 remain covered by this part upon lands owned by the state, except  
9 ~~under~~ **as authorized by** a permit issued by the department, with  
10 written approval of the department of history, arts, and  
11 libraries, **pursuant to part 13**. A permit shall be issued without  
12 charge. ~~This section~~

13       (2) **Subsection (1)** does not apply to the Mackinac Island  
14 state park commission on lands owned or controlled by the  
15 Mackinac Island state park commission.

16       Sec. 76109. (1) A ~~permit issued under this section shall~~  
17 ~~authorize a person to~~ **person shall not** recover abandoned  
18 property located on, in, or located in the immediate vicinity of  
19 and associated with a sunken aircraft or watercraft **except as**  
20 **authorized by a permit issued by the department and the**  
21 **department of history, arts, and libraries pursuant to part 13**.

22       (2) ~~A~~ **Notwithstanding section 1303(1),** a person shall file  
23 an application for a permit with the department on a form  
24 prescribed by the department and approved by the department of  
25 history, arts, and libraries. The application shall contain all  
26 of the following information:

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

1 (b) The name, if known, of the watercraft or aircraft on or  
2 around which recovery operations are to occur and a current  
3 photograph or drawing of the watercraft or aircraft, if  
4 available.

5 (c) The location of the abandoned property to be recovered  
6 and the depth of water in which it may be found.

7 (d) A description of each item to be recovered.

8 (e) The method to be used in recovery operations.

9 (f) The proposed disposition of the abandoned property  
10 recovered, including the location at which it will be available  
11 for inspection by the department and the department of history,  
12 arts, and libraries.

13 (g) Other information which the department or the department  
14 of history, arts, and libraries considers necessary in evaluating  
15 the request for a permit.

16 (3) An application for a permit is not complete until all  
17 information requested on the application form and any other  
18 information requested by the department or the department of  
19 history, arts, and libraries has been received by the  
20 department. After receipt of an otherwise complete application,  
21 the department may request additional information or documents as  
22 are determined to be necessary to make a decision to grant or  
23 deny a permit. ~~The department, or the department of history,~~  
24 ~~arts, and libraries, shall notify the applicant in writing when~~  
25 ~~the application is deficient.~~

26 ~~—— (4) An applicant notified that an application for a permit~~  
27 ~~may be deficient and returned due to insufficient information~~

1 ~~under subsection (3) shall, within 20 days after the date the~~  
 2 ~~notice is mailed, provide the information. If the applicant~~  
 3 ~~fails to respond within the 20-day period, the application shall~~  
 4 ~~be denied unless the applicant requests additional time and~~  
 5 ~~provides reasonable justification for an extension of time.~~

6       (4) ~~—(5)—~~ The department and the department of history, arts,  
 7 and libraries shall ~~—~~ **approve or deny an application for a**  
 8 **permit** with the advice of the committee. ~~—, approve or disapprove~~  
 9 ~~an application for a permit within 30 days after the date a~~  
 10 ~~complete application is filed with the department. The~~  
 11 ~~department and the department of history, arts, and libraries may~~  
 12 ~~approve an application conditionally or unconditionally. A~~  
 13 condition to the approval of an application shall be in writing  
 14 on the face of the permit. The department and the department of  
 15 history, arts, and libraries may impose such conditions as are  
 16 considered reasonable and necessary to protect the public trust  
 17 and general interests, including conditions that accomplish 1 or  
 18 more of the following:

19       (a) Protect and preserve the abandoned property to be  
 20 recovered, and the recreational value of the area in which  
 21 recovery is being accomplished.

22       (b) Assure reasonable public access to the abandoned property  
 23 after recovery.

24       (c) Conform with rules applying to activities within a Great  
 25 Lakes bottomlands preserve.

26       (d) Prohibit injury, harm, and damage to a bottomlands site  
 27 or abandoned property not authorized for removal during and after

1 salvage operations by the permit holder.

2 (e) Prohibit or limit the amount of discharge of possible  
3 pollutants, such as floating timbers, planking, and other debris,  
4 which may emanate from the shipwreck, plane wreck, or salvage  
5 equipment.

6 (f) Require the permit holder to submit a specific removal  
7 plan prior to commencing any salvaging activities. Among other  
8 matters considered appropriate by either the department or the  
9 department of history, arts, and libraries, or both, the removal  
10 plan may be required to ensure the safety of those removing or  
11 assisting in the removal of the abandoned property and to address  
12 how the permit holder proposes to prevent, minimize, or mitigate  
13 potential adverse effects upon the abandoned property to be  
14 removed, that portion of the abandoned property which is not to  
15 be removed, and the surrounding geographic features.

16 (5) ~~-(6)-~~ The department shall approve an application for a  
17 permit unless the department determines that the abandoned  
18 property to be recovered has substantial recreational value in  
19 itself or in conjunction with other abandoned property in its  
20 vicinity underwater, or the recovery of abandoned property would  
21 not comply with rules applying to a Great Lakes bottomlands  
22 preserve.

23 (6) ~~-(7)-~~ The department of history, arts, and libraries  
24 shall approve the application for a permit unless the department  
25 of history, arts, and libraries determines that the abandoned  
26 property to be recovered has substantial historical value in  
27 itself or in conjunction with other abandoned property in its

1 vicinity. If the property has substantial historical value, the  
2 department of history, arts, and libraries, pursuant to  
3 subsection ~~(5)~~ **(4)**, may impose a condition ~~to the approval of~~  
4 ~~the application requiring the applicant~~ **on the permit requiring**  
5 **the permittee** to turn over recovered property to the department  
6 of history, arts, and libraries for the purpose of preserving the  
7 property or permitting public access to the property. The  
8 department of history, arts, and libraries may authorize the  
9 display of the property in a public or private museum or by a  
10 local unit of government. In addition to the conditions  
11 authorized by subsection ~~(5)~~ **(4)**, the department of history,  
12 arts, and libraries may provide for payment of salvage costs in  
13 connection with the recovery of the abandoned property.

14 **(7)** ~~(8)~~ A person ~~who discovers an abandoned watercraft~~  
15 ~~that is located outside of a Great Lakes bottomlands preserve is~~  
16 ~~entitled to~~ **shall not** recover cargo situated on, in, or  
17 associated with ~~the watercraft, if the person applies for a~~  
18 ~~permit pursuant to this section within 90 days after discovering~~  
19 ~~the watercraft. If an application for a permit to recover cargo~~  
20 ~~is not filed within 90 days after a watercraft discovery, subject~~  
21 ~~to subsections (4) and (5) an exclusive cargo recovery permit~~  
22 ~~shall be issued to the first person applying for such a permit.~~  
23 ~~Only 1 permit to recover the same cargo shall be issued and~~  
24 ~~operative at a time.~~ **an abandoned watercraft that is located**  
25 **outside of a Great Lakes bottomlands preserve except as**  
26 **authorized by a permit issued pursuant to this section and part**  
27 **13. Subject to subsection (4), the permit shall be issued to the**

1 first person applying for the permit. However, only the person  
2 who discovered the abandoned watercraft may apply for a permit  
3 during the first 90 days after the discovery. When a watercraft  
4 containing cargo is simultaneously discovered by more than 1  
5 person, a permit shall be approved with respect to the first  
6 person or persons jointly applying for a permit.

7 (8) ~~-(9)-~~ A person aggrieved by a condition contained on a  
8 permit or by the denial of an application for a permit may  
9 request an administrative review of the condition or the denial  
10 by the commission or the department of history, arts, and  
11 libraries, whichever disapproves the application or imposes the  
12 condition. A person shall file the request for review with the  
13 commission or the department of history, arts, and libraries,  
14 whichever is applicable, within 90 days after the permit  
15 application is submitted to the department. An administrative  
16 hearing conducted pursuant to this subsection shall be conducted  
17 under the procedures set forth in chapter 4 of the administrative  
18 procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. If  
19 neither the department nor the department of history, arts, and  
20 libraries approves the application and an administrative review  
21 is requested from both the commission and the department of  
22 history, arts, and libraries, the appeals shall be combined upon  
23 request of the appellant or either the commission or the  
24 department of history, arts, and libraries and a single  
25 administrative hearing shall be conducted. The commission and  
26 the department of history, arts, and libraries shall issue  
27 jointly the final decision and order in the case.

1           **(9)** ~~-(10)-~~ A permit issued under this section ~~shall be~~ **is**  
2 valid until December 31 of the year in which the application for  
3 the permit was filed and is not renewable. If an item designated  
4 in a permit for recovery is not recovered, a permit holder may,  
5 upon request following the expiration of the permit, be issued a  
6 new permit to remove the same abandoned property if the permit  
7 holder demonstrates that diligence in attempting recovery was  
8 exercised under the previously issued permit.

9           **(10)** ~~-(11)-~~ A permit issued under this section shall not be  
10 transferred or assigned unless the assignment is approved in  
11 writing by both the department and the department of history,  
12 arts, and libraries.

13           Sec. 76504. (1) The Mackinac Island state park shall be  
14 under the control and management of the commission, and a  
15 majority of the members of the commission constitutes a quorum  
16 for the transaction of business. The business which the  
17 commission may perform shall be conducted at a public meeting of  
18 the commission held in compliance with the open meetings act,  
19 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time,  
20 date, and place of the meeting shall be given in the manner  
21 required by the open meetings act, 1976 PA 267, MCL 15.261 to  
22 15.275.

23           (2) The commission shall have the exclusive right to do  
24 either or both of the following:

25           (a) Lay out, manage, and maintain the park and preserve the  
26 old fort and other property held by the commission on ~~the~~  
27 ~~effective date of the 2001 amendments to this section or which~~

1 ~~is~~ or acquired by the commission after ~~this date~~ **August 6,**  
2 **2001.**

3 (b) Promulgate and enforce rules not inconsistent with the  
4 laws of this state and necessary to implement the commission's  
5 duties.

6 (3) The commission may do 1 or more of the following:

7 (a) Enter into leases and establish prices for rentals or  
8 privileges upon property controlled by the commission.

9 (b) Sell or lease as personal property buildings or  
10 structures acquired by the commission in settlement of delinquent  
11 land rentals.

12 (c) Employ a director and other persons as may be needed.

13 (4) The rules of the commission shall apply to all roads  
14 situated on Mackinac Island state park lands. The commission  
15 shall not make a rule permitting the use of motor vehicles except  
16 motor vehicles owned by the state, a political subdivision of the  
17 state, or by a public utility, and used in the exercise of its  
18 franchise. The commission may provide by rule for the issuance  
19 of temporary permits for the operation of motor vehicles over  
20 roads situated on state park lands. The commission may grant  
21 permits **pursuant to part 13** for the use of lands for the  
22 expansion of existing cemeteries, under terms and conditions as  
23 the commission prescribes. The commission may also grant  
24 privileges and franchises for waterworks, sewerage,  
25 transportation, and lighting, for a period of not more than 40  
26 years. The commission shall prescribe by rule the maximum number  
27 of horse drawn vehicles for hire that may be licensed by the

1 commission for operation within the park.

2 (5) The sheriff of the county of Mackinac, upon the  
3 application of the commission, shall appoint 1 or more persons  
4 who shall be designated by the commission as deputy sheriffs in  
5 and for the county, and who shall be employees of the commission  
6 but who shall not receive fees or emoluments for services as  
7 deputy sheriffs. The commission may establish the compensation  
8 of the persons employed by the commission, but a debt or  
9 obligation shall not be created by the commission exceeding the  
10 amount of money at its disposal at the time.

11 (6) All money received from rentals or privileges shall be  
12 paid promptly into the state treasury to be credited to the  
13 general fund and to be disbursed as appropriated by the  
14 legislature. The commission, in consideration of the furnishing  
15 of fire protection, street service, sewerage service, and other  
16 public service agreed upon, may remit reasonable rentals as the  
17 commission determines from leases of property acquired by the  
18 state under the general property tax act, 1893 PA 206, MCL 211.1  
19 to 211.157, and deeded to the commission, to the several tax  
20 assessing units in which the property is situated as provided in  
21 ~~the general property tax act, 1893 PA 206, MCL 211.1 to 211.157~~  
22 **that act**, in proportion to the delinquent taxes and special  
23 assessments of the units canceled against the description of  
24 land.

25 (7) A writing prepared, owned, used, in the possession of, or  
26 retained by the commission in the performance of an official  
27 function shall be made available to the public in compliance with

1 the freedom of information act, 1976 PA 442, MCL 15.231 to  
2 15.246. The commission shall provide to the governor an annual  
3 report and statement of receipts and expenditures, and  
4 recommendations and suggestions as the commission considers  
5 proper.

6       Sec. 80159. **A person shall not place a beacon or buoy,**  
7 **other than a mooring buoy, in the waters of this state except as**  
8 **authorized by a permit issued by the department pursuant to part**  
9 **13.** The department may ~~authorize, through the issuance of~~  
10 ~~revokeable permits,~~ **issue a permit for** the placing of buoys or  
11 beacons in the waters of this state to mark obstruction to  
12 navigation, to designate bathing areas, to designate vessel  
13 anchorages, or for any other purpose if it will promote safety or  
14 navigation. ~~Any person who desires to place buoys or beacons in~~  
15 ~~the waters of this state, without expense to the state, shall~~  
16 ~~make application to the department in a form and containing~~ **An**  
17 **application for a permit shall contain** information required by  
18 the department. ~~Buoys or beacons, except for mooring buoys,~~  
19 ~~shall not be placed in the waters of this state unless authorized~~  
20 ~~by the department in writing. If authorization has been granted,~~  
21 ~~the buoys or beacons shall be placed only in accordance with the~~  
22 ~~terms of the permit and shall be considered lawfully placed.~~ If  
23 buoys or beacons are placed in the waters of this state without a  
24 permit having been issued, the department may order their  
25 removal. If, in the judgment of the department, buoys or beacons  
26 authorized by the department are found to be improperly placed,  
27 the reason for their placement no longer exists, or the buoys or

1 beacons do not conform to the uniform system of marking  
2 established by state regulation, the department may revoke the  
3 permit authorizing their placement and may order their removal.  
4 Revocation of permits and orders of removal shall be by written  
5 notice to the person placing the buoys or beacons or to the  
6 person to whom the permit was issued at his or her last known  
7 address, directing the removal within a specified time. The  
8 person to whom the notice is directed shall remove the buoys or  
9 beacons in accordance with the instructions. If the person fails  
10 to remove the buoys or beacons within the specified time, the  
11 department may cause their removal, and the cost and expense of  
12 the removal shall be charged against the person authorized to  
13 place the buoys or beacons or, where authorization has not been  
14 granted, the person placing such buoys or beacons and shall be  
15 recoverable through any court of competent jurisdiction.