

Legislative Analysis



GENERAL PERMITS FOR SMALL DAM REMOVAL, PIPELINES, AND OTHER PROJECTS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 1481

Sponsor: Sen. Patricia L. Birkholz

House Committee: Natural Resources, Great Lakes, Land Use, and Environment

Senate Committee: Natural Resources and Environmental Affairs

Complete to 12-05-06

A SUMMARY OF SENATE BILL 1481 AS PASSED BY THE SENATE 11-30-06

In general, the bill would amend Part 301 (Inland Lakes and Streams) of the Natural Resources and Environmental Protection Act to authorize the Department of Environmental Quality (DEQ) to broaden the types of projects eligible for general permits. Currently, the DEQ, after notice and an opportunity for a hearing, can issue general permits on a statewide or local basis for the removal of qualifying small dams and similar projects. Under the bill, the DEQ could issue statewide or local general permits for additional projects, including the maintenance and repair of existing pipelines, *"that will cause only minimal adverse projects when performed separately, and that will only have a minimal cumulative adverse impact on the environment."*

Duration of general permits. General permits issued under the bill would be valid for up to five years.

Projects eligible for general permits. The activities that the DEQ may consider for general permits would include:

- The removal of qualifying small dams (as is currently provided).
- The maintenance or repair of an existing pipeline, if the pipeline is maintained or repaired in a manner to assure that any adverse impact on the lake or stream would be minimized.

Permits may be issued, denied, or issued with conditions. The department could issue, deny, or impose conditions on project activities authorized under a minor project category or a general permit. Conditions would have to be designed to (1) remove an impairment to the lake or stream; (2) mitigate the impact of the project; or (3) otherwise improve water quality. (Under the current Section 30105(8), the department may impose similar conditions but instead of "otherwise improve water quality," the current language is "otherwise restore or rehabilitate the lake or stream.") Under the bill, as is currently provided in Section 30105(8), the department could also establish a reasonable deadline for completion of the project.

Proposed projects likely to cause more than minimal environmental impacts. If the department determines that the activity in a proposed project, although within a minor

project category or a general permit, is likely to cause more than minimal adverse environmental impacts, the department could require that the application be processed according Section 30105(3) of the bill, which sets forth a procedure for a public hearing, and reviewed for compliance with Section 30106.

Modification or revocation of general permits. A general permit could be modified or revoked if, after opportunity for a public hearing, the department determines that the activities authorized by the general permit would have more than a minimal adverse impact on the environment on an individual or cumulative basis, or the activities generally would be more appropriately processed according to Section 30105(3) and reviewed for compliance with Section 30106.

Application fee. Section 30104(1)(b) would be amended to provide that the \$50 small dam removal permit fee would apply to any general permit issued under the bill.

MCL 324.30104, 324.30105, and 324.30107

FISCAL IMPACT:

There would be an indeterminate fiscal impact on the Land and Water Permit Fee Fund. The \$50 fee for small dam removal projects would be credited to the Fund. The actual revenue impact would depend on number of permit applications received each year. There would be no fiscal impact on local governmental units.

Legislative Analyst: Shannan Kane
Fiscal Analyst: Kirk Lindquist

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.