



Senate Fiscal Agency  
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**BILL ANALYSIS**

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Senate Bill 282 (Substitute S-2 as reported by the Committee of the Whole)  
Sponsor: Senator Jud Gilbert, II  
Committee: Natural Resources and Environmental Affairs

**CONTENT**

The bill would amend Part 91 (Soil Erosion and Sedimentation Control) of the Natural Resources and Environmental Protection Act to identify sediment-moving activities on residential property that would not require a permit, and allow the Department of Environmental Quality (DEQ) to issue general permits for specific categories of projects not otherwise exempt from the permit requirements under Part 91.

Under the bill, a residential property owner who caused the following activities to be conducted on his or her property would not be required to obtain a permit if the activities did not result in a discharge of sediments to the waters of the State, or a discharge of sediment off-site:

- An earth change of a minor nature that would be stabilized with 24 hours.
- Gardening, if the natural elevation of the area were not raised.
- Post holes for fencing, decks, utility posts, mailboxes, or similar application.
- Normal and customary residential landscaping, including all of the following: planting of trees, shrubs, and other vegetation; seeding or reseeding lawns less than one acre, if the seeded area were at least 100 feet from State waters; and seeding or reseeding of lawns closer than 100 feet from State waters, if the area did not exceed 100 square feet.
- Stockpiling of soil, sand, or gravel not greater than 10 cubic yards, if the stockpiling occurred at least 100 feet from State waters.

The DEQ could issue general permits for specific categories of projects that would have minimal risks of adverse impacts on the waters of the State, including all of the following: landscaping, minor household maintenance, minor soil stabilization activities, and seawall maintenance. A person who wanted to conduct activities under a general permit would have to apply to the county or municipal enforcing agency for a certificate of coverage. The agency could waive fees or charge a fee, not to exceed the administrative costs to the agency, for the certificate of coverage for a general permit.

Proposed MCL 324.9115a & 324.9115b

Legislative Analyst: Claire Layman

**FISCAL IMPACT**

Since the bill specifies which minor earth change projects would be exempt from permit requirements and would create a general permit for many other activities, there would likely be fewer permits issued and an indeterminate loss of fee revenue. Local enforcing agencies would be allowed to charge a fee to cover administrative costs of issuing certificates of coverage and would recover any expenses imposed by the bill.

Date Completed: 3-23-05

Fiscal Analyst: Jessica Runnels

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