

SUBSTITUTE FOR  
SENATE BILL NO. 282

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding sections 9115a and 9115b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 9115A. A RESIDENTIAL PROPERTY OWNER WHO CAUSES THE  
2        FOLLOWING ACTIVITIES TO BE CONDUCTED ON HIS OR HER INDIVIDUAL  
3        RESIDENTIAL PROPERTY IS NOT REQUIRED TO OBTAIN A PERMIT UNDER THIS  
4        PART IF THE EARTH CHANGE ACTIVITIES DO NOT RESULT IN A DISCHARGE OF  
5        SEDIMENT TO THE WATERS OF THE STATE OR A DISCHARGE OF SEDIMENT OFF-  
6        SITE:

7        (A) AN EARTH CHANGE OF A MINOR NATURE THAT IS STABILIZED  
8        WITHIN 24 HOURS OF THE INITIAL EARTH DISTURBANCE.

9        (B) GARDENING, IF THE NATURAL ELEVATION OF THE AREA IS NOT  
10       RAISED.

1 (C) POST HOLES FOR FENCING, DECKS, UTILITY POSTS, MAILBOXES,  
2 OR SIMILAR APPLICATIONS.

3 (D) NORMAL AND CUSTOMARY RESIDENTIAL LANDSCAPING INCLUDING ALL  
4 OF THE FOLLOWING:

5 (i) PLANTING OF TREES, SHRUBS, AND OTHER VEGETATION.

6 (ii) SEEDING OR RESEEDING OF LAWNS LESS THAN 1 ACRE IF THE  
7 SEEDED AREA IS AT LEAST 100 FEET FROM THE WATERS OF THE STATE.

8 (iii) SEEDING OR RESEEDING OF LAWNS CLOSER THAN 100 FEET FROM  
9 THE WATERS OF THE STATE IF THE AREA TO BE SEEDED OR RESEDED DOES  
10 NOT EXCEED 100 SQUARE FEET.

11 (E) STOCKPILING OF SOIL, SAND, OR GRAVEL NOT GREATER THAN 10  
12 CUBIC YARDS IF THE STOCKPILING OCCURS AT LEAST 100 FEET FROM THE  
13 WATERS OF THE STATE.

14 SEC. 9115B. (1) THE DEPARTMENT MAY ISSUE GENERAL PERMITS FOR  
15 SPECIFIC CATEGORIES OF PROJECTS THAT ARE NOT OTHERWISE EXEMPT FROM  
16 PERMIT REQUIREMENTS UNDER THIS PART AND THAT HAVE MINIMAL RISKS OF  
17 ADVERSE IMPACTS ON THE WATERS OF THE STATE, INCLUDING ALL OF THE  
18 FOLLOWING:

19 (A) LANDSCAPING.

20 (B) MINOR HOUSEHOLD MAINTENANCE.

21 (C) MINOR SOIL STABILIZATION ACTIVITIES.

22 (D) SEAWALL MAINTENANCE.

23 (2) THE DEPARTMENT SHALL DEVELOP CRITERIA THAT DEFINE THE  
24 PROJECTS THAT QUALIFY FOR EACH GENERAL PERMIT UNDER THIS SECTION.  
25 THE CRITERIA SHALL CONSIDER THE TYPE OF PROJECT, THE AREA OF THE  
26 EARTH CHANGE, AND THE DISTANCE FROM THE WATERS OF THE STATE. THE  
27 DEPARTMENT SHALL ALSO DEVELOP CONDITIONS IN EACH GENERAL PERMIT

1 THAT PROTECT THE WATERS OF THE STATE FROM SOIL EROSION AND  
2 SEDIMENTATION.

3 (3) THE DEPARTMENT SHALL PROVIDE APPLICATION FORMS FOR  
4 CERTIFICATES OF COVERAGE FOR EACH GENERAL PERMIT ISSUED UNDER THIS  
5 SECTION.

6 (4) AN INDIVIDUAL WHO DESIRES TO CONDUCT ACTIVITIES AUTHORIZED  
7 BY A GENERAL PERMIT SHALL SUBMIT AN APPLICATION FOR A CERTIFICATE  
8 OF COVERAGE TO THE COUNTY ENFORCING AGENCY OR MUNICIPAL ENFORCING  
9 AGENCY, AS APPROPRIATE. A COUNTY ENFORCING AGENCY OR MUNICIPAL  
10 ENFORCING AGENCY MAY, AFTER RECEIPT OF AN APPLICATION FOR A  
11 CERTIFICATE OF COVERAGE FOR A PROJECT COVERED BY A GENERAL PERMIT,  
12 ISSUE A CERTIFICATE OF COVERAGE IF THE PROJECT MEETS THE CRITERIA  
13 DEVELOPED UNDER SUBSECTION (2).

14 (5) A COUNTY ENFORCING AGENCY OR A MUNICIPAL ENFORCING AGENCY  
15 MAY WAIVE FEES FOR A CERTIFICATE OF COVERAGE OR MAY CHARGE A FEE,  
16 NOT TO EXCEED THE ADMINISTRATIVE COSTS TO THE AGENCY TO ISSUE THE  
17 CERTIFICATE OF COVERAGE, FOR A GENERAL PERMIT UNDER THIS SECTION.