

# HOUSE BILL No. 5450

November 8, 2007, Introduced by Rep. Bennett and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 301, 3101, 3104, 3115a, 3122, 3124, 5521,  
5522, 11130, 11135, 11153, 11507a, 11525, 11525a, 12103, 12109,  
12112, 14301, 30104, 30109, 30112, 30306, 30316, 31509, 32312,  
32510, 32511, 32513, 62509, and 62509a (MCL 324.301, 324.3101,  
324.3104, 324.3115a, 324.3122, 324.3124, 324.5521, 324.5522,  
324.11130, 324.11135, 324.11153, 324.11507a, 324.11525,  
324.11525a, 324.12103, 324.12109, 324.12112, 324.14301,  
324.30104, 324.30109, 324.30112, 324.30306, 324.30316, 324.31509,  
324.32312, 324.32510, 324.32511, 324.32513, 324.62509, and  
324.62509a), section 301 as amended by 2004 PA 587, section 3101  
as amended by 2006 PA 97, section 3104 as amended by 2005 PA 33,  
sections 3122 and 3124 as added by 2004 PA 90, section 5521 as

amended by 1998 PA 245, section 5522 as amended by 2005 PA 169, sections 11130, 11135, 12103, 12109, and 12112 as amended and section 11153 as added by 2001 PA 165, section 11507a as amended by 2004 PA 39, sections 11525 and 11525a as amended by 2003 PA 153, section 14301 as amended by 1998 PA 289, section 30104 as amended by 2006 PA 531, sections 30109 and 32513 as amended by 2003 PA 163, sections 30112, 30316, 32510, and 32511 as added by 1995 PA 59, section 30306 as amended by 2003 PA 14, sections 31509, 32312, and 62509 as amended by 2004 PA 325, and section 62509a as added by 1998 PA 467, and by adding part 50 and sections 14307 and 31509a.

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

1       Sec. 301. Except as otherwise defined in this act, as used  
2 in this act:

3       (a) "Commission" means the commission of natural resources.

4       (b) "Department" means the director of the department of  
5 natural resources or his or her designee to whom the director  
6 delegates a power or duty by written instrument.

7       (c) "Department of natural resources" means the principal  
8 state department created in section 501.

9       (D) "DETROIT CONSUMER PRICE INDEX" MEANS THE MOST  
10 COMPREHENSIVE INDEX OF CONSUMER PRICES AVAILABLE FOR THE DETROIT  
11 AREA FROM THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR  
12 STATISTICS.

13       (E) ~~(d)~~—"Director" means the director of the department of  
14 natural resources.

15       (F) ~~(e)~~—"Local unit of government" means a municipality or

1 county.

2 (G) ~~(f)~~—"Michigan conservation and recreation legacy fund"  
3 means the Michigan conservation and recreation legacy fund  
4 established in section 40 of article IX of the state constitution  
5 of 1963 and provided for in section 2002.

6 (H) ~~(g)~~—"Municipality" means a city, village, or township.

7 (I) ~~(h)~~—"Person" means an individual, partnership,  
8 corporation, association, governmental entity, or other legal  
9 entity.

10 (J) ~~(i)~~—"Public domain" means all land owned by the state or  
11 land deeded to the state under state law.

12 (K) ~~(j)~~—"Rule" means a rule promulgated pursuant to the  
13 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
14 24.328.

15 Sec. 3101. As used in this part:

16 (a) "Aquatic nuisance species" means a nonindigenous species  
17 that threatens the diversity or abundance of native species or  
18 the ecological stability of infested waters, or commercial,  
19 agricultural, aquacultural, or recreational activities dependent  
20 on such waters.

21 (b) "Ballast water" means water and associated solids taken  
22 on board a vessel to control or maintain trim, draft, stability,  
23 or stresses on the vessel, without regard to the manner in which  
24 it is carried.

25 (c) "Ballast water treatment method" means a method of  
26 treating ballast water and sediments to remove or destroy living  
27 biological organisms through 1 or more of the following:

(i) Filtration.

(ii) The application of biocides or ultraviolet light.

(iii) Thermal methods.

(iv) Other treatment techniques approved by the department.

(d) "Department" means the department of environmental quality.

~~———— (e) "Detroit consumer price index" means the most comprehensive index of consumer prices available for the Detroit area from the United States department of labor, bureau of labor statistics.~~

(E) ~~(f)~~ "Emergency management coordinator" means that term as defined in section 2 of the emergency management act, 1976 PA 390, MCL 30.402.

(F) ~~(g)~~ "Great Lakes" means the Great Lakes and their connecting waters, including Lake St. Clair.

(G) ~~(h)~~ "Group 1 facility" means a facility whose discharge is described by R 323.2218 of the Michigan administrative code.

(H) ~~(i)~~ "Group 2 facility" means a facility whose discharge is described by ~~R 323.2210(y), R 323.2215, or R 323.2216~~ of the Michigan administrative code.

(I) ~~(j)~~ "Group 3 facility" means a facility whose discharge is described by ~~R 323.2211 or R 323.2213~~ **R 323.2210(Y)** of the Michigan administrative code.

**(J) "GROUP 4 FACILITY" MEANS A FACILITY WHOSE DISCHARGE IS DESCRIBED BY R 323.2215 OF THE MICHIGAN ADMINISTRATIVE CODE.**

**(K) "GROUP 5 FACILITY" MEANS A FACILITY WHOSE DISCHARGE IS DESCRIBED BY R 323.2211 OR R 323.2213 OF THE MICHIGAN**

1 **ADMINISTRATIVE CODE.**

2 (I) ~~(k)~~—"Local health department" means that term as defined  
3 in section 1105 of the public health code, 1978 PA 368, MCL  
4 333.1105.

5 (M) ~~(l)~~—"Local unit" means a county, city, village, or  
6 township or an agency or instrumentality of any of these  
7 entities.

8 (N) ~~(m)~~—"Municipality" means this state, a county, city,  
9 village, or township, or an agency or instrumentality of any of  
10 these entities.

11 (O) ~~(n)~~—"National response center" means the national  
12 communications center established under the clean water act, 33  
13 USC 1251 to 1387, located in Washington, DC, that receives and  
14 relays notice of oil discharge or releases of hazardous  
15 substances to appropriate federal officials.

16 (P) ~~(o)~~—"Nonoceangoing vessel" means a vessel that is not an  
17 oceangoing vessel.

18 (Q) ~~(p)~~—"Oceangoing vessel" means a vessel that operates on  
19 the Great Lakes or the St. Lawrence waterway after operating in  
20 waters outside of the Great Lakes or the St. Lawrence waterway.

21 (R) ~~(q)~~—"Open water disposal of contaminated dredge  
22 materials" means the placement of dredge materials contaminated  
23 with toxic substances as defined in R 323.1205 of the Michigan  
24 administrative code into the open waters of the waters of the  
25 state but does not include the siting or use of a confined  
26 disposal facility designated by the United States army corps of  
27 engineers or beach nourishment activities utilizing

1 uncontaminated materials.

2       **(S)** ~~(r)~~—"Primary public safety answering point" means that  
3 term as defined in section 102 of the emergency telephone service  
4 enabling act, 1986 PA 32, MCL 484.1102.

5       **(T)** ~~(s)~~—"Sediments" means any matter settled out of ballast  
6 water within a vessel.

7       **(U)** ~~(t)~~—"Sewage sludge" means sewage sludge generated in the  
8 treatment of domestic sewage, other than only septage or  
9 industrial waste.

10       **(V)** ~~(u)~~—"Sewage sludge derivative" means a product for land  
11 application derived from sewage sludge that does not include  
12 solid waste or other waste regulated under this act.

13       **(W)** ~~(v)~~—"Sewage sludge generator" means a person who  
14 generates sewage sludge that is applied to land.

15       **(X)** ~~(w)~~—"Sewage sludge distributor" means a person who  
16 applies, markets, or distributes, except at retail, a sewage  
17 sludge derivative.

18       **(Y)** ~~(x)~~—"St. Lawrence waterway" means the St. Lawrence  
19 river, the St. Lawrence seaway, and the gulf of St. Lawrence.

20       **(Z)** ~~(y)~~—"Threshold reporting quantity" means that term as  
21 defined in R 324.2002 of the Michigan administrative code.

22       **(AA)** ~~(z)~~—"Waters of the state" means groundwaters, lakes,  
23 rivers, and streams and all other watercourses and waters,  
24 including the Great Lakes, within the jurisdiction of this state.

25       Sec. 3104. (1) The department is designated the state agency  
26 to cooperate and negotiate with other governments, governmental  
27 units, and governmental agencies in matters concerning the water

1 resources of the state, including, but not limited to, flood  
2 control, beach erosion control, water quality control planning,  
3 development, and management, and the control of aquatic nuisance  
4 species. The department shall have control over the alterations  
5 of natural or present watercourses of all rivers and streams in  
6 the state to assure that the channels and the portions of the  
7 floodplains that are the floodways are not inhabited and are kept  
8 free and clear of interference or obstruction that will cause any  
9 undue restriction of the capacity of the floodway. The department  
10 may take steps as may be necessary to take advantage of any act  
11 of congress that may be of assistance in carrying out the  
12 purposes of this part, including the water resources planning  
13 act, 42 USC 1962 to 1962d-3, and the federal water pollution  
14 control act, 33 USC 1251 to 1387.

15 (2) In order to address discharges of aquatic nuisance  
16 species from oceangoing vessels that damage water quality,  
17 aquatic habitat, or fish or wildlife, the department shall  
18 facilitate the formation of a Great Lakes aquatic nuisance  
19 species coalition. The Great Lakes aquatic nuisance species  
20 coalition shall be formed through an agreement entered into with  
21 other states in the Great Lakes basin to implement on a basin-  
22 wide basis water pollution laws that prohibit the discharge of  
23 aquatic nuisance species into the Great Lakes from oceangoing  
24 vessels. The department shall seek to enter into an agreement  
25 that will become effective not later than January 1, 2007. The  
26 department shall consult with the department of natural resources  
27 prior to entering into this agreement. Upon entering into the

1 agreement, the department shall notify the Canadian Great Lakes  
2 provinces of the terms of the agreement. The department shall  
3 seek funding from the Great Lakes protection fund authorized  
4 under part 331 to implement the Great Lakes aquatic nuisance  
5 species coalition.

6 (3) The department shall report to the governor and to the  
7 legislature at least annually on any plans or projects being  
8 implemented or considered for implementation. The report shall  
9 include requests for any legislation needed to implement any  
10 proposed projects or agreements made necessary as a result of a  
11 plan or project, together with any requests for appropriations.  
12 The department may make recommendations to the governor on the  
13 designation of areawide water quality planning regions and  
14 organizations relative to the governor's responsibilities under  
15 the federal water pollution control act, 33 USC 1251 to 1387.

16 (4) A person shall not alter a floodplain except as  
17 authorized by a floodplain permit issued by the department  
18 pursuant to part 13. An application for a permit shall include  
19 information that may be required by the department to assess the  
20 proposed alteration's impact on the floodplain. If an alteration  
21 includes activities at multiple locations in a floodplain, 1  
22 application may be filed for combined activities.

23 (5) Except as provided in subsections (6), (7), and (9),  
24 ~~until October 1, 2008,~~ an application for a floodplain permit  
25 shall be accompanied by a fee of ~~\$500.00. Until October 1, 2008,~~  
26 ~~if \$1,750.00. IF~~ the department determines that engineering  
27 computations are required to assess the impact of a proposed



1 floodplain alteration on flood stage or discharge  
2 characteristics, the department shall assess the applicant an  
3 additional ~~\$1,500.00~~ **\$2,500.00** to cover the department's cost of  
4 review.

5 (6) ~~Until October 1, 2008, an~~ **AN** application for a  
6 floodplain permit for a minor project category shall be  
7 accompanied by a fee of ~~\$100.00~~ **\$250.00**. Minor project categories  
8 shall be established by rule and shall include activities and  
9 projects that are similar in nature and have minimal potential  
10 for causing harmful interference.

11 (7) If work has been done in violation of a permit  
12 requirement under this part and restoration is not ordered by the  
13 department, the department may accept an application for a permit  
14 for that work if the application is accompanied by a fee equal to  
15 2 times the permit fee required under subsection (5) or (6).

16 (8) **A REQUEST FOR A MINOR REVISION TO A FLOODPLAIN PERMIT**  
17 **ISSUED UNDER THIS SECTION OR TO TRANSFER A FLOODPLAIN PERMIT TO A**  
18 **NEW OWNER SHALL BE ACCOMPANIED BY A FEE OF \$250.00.**

19 (9) **A REQUEST FOR THE EXTENSION OF A FLOODPLAIN PERMIT**  
20 **ISSUED UNDER THIS SECTION THAT HAS NOT EXPIRED SHALL BE**  
21 **ACCOMPANIED BY A FEE OF \$150.00. A FLOODPLAIN PERMIT SHALL NOT BE**  
22 **EXTENDED BEYOND 5 YEARS FROM THE DATE OF INITIAL ISSUANCE.**

23 (10) **IF A PREAPPLICATION MEETING IS REQUESTED IN WRITING BY**  
24 **THE LANDOWNER OR ANOTHER PERSON WHO IS AUTHORIZED IN WRITING BY**  
25 **THE LANDOWNER, THE DEPARTMENT SHALL MEET WITH THE PERSON OR HIS**  
26 **OR HER REPRESENTATIVES TO REVIEW A PROPOSED FLOODPLAIN PROJECT OR**  
27 **A PROPOSED FLOODPLAIN PERMIT APPLICATION UNDER THIS SECTION IN**

1 ITS ENTIRETY. THE PREAPPLICATION MEETING SHALL TAKE PLACE AT THE  
2 DEPARTMENT'S DISTRICT OFFICE FOR THE DISTRICT THAT INCLUDES THE  
3 PROJECT SITE OR AT THE PROJECT SITE ITSELF, AS SPECIFIED IN THE  
4 REQUEST AND IS SUBJECT TO ALL OF THE FOLLOWING:

5 (A) EXCEPT AS PROVIDED IN THIS SUBSECTION, THE REQUEST FOR A  
6 PREAPPLICATION MEETING SHALL BE ACCOMPANIED BY A FEE. THE FEE FOR  
7 A PREAPPLICATION MEETING AT THE DISTRICT OFFICE IS \$150.00. THE  
8 FEE FOR A PREAPPLICATION MEETING AT THE PROJECT SITE IS \$250.00  
9 FOR THE FIRST ACRE OR PORTION OF AN ACRE OF PROJECT AREA, PLUS  
10 \$50.00 FOR EACH ACRE OR PORTION OF AN ACRE IN EXCESS OF THE FIRST  
11 ACRE, BUT NOT TO EXCEED A FEE OF \$1,000.00. HOWEVER, IF THE  
12 LOCATION OF THE PROJECT IS A SINGLE FAMILY RESIDENTIAL LOT THAT  
13 IS LESS THAN 1 ACRE IN SIZE, THERE IS NO FEE FOR A PREAPPLICATION  
14 MEETING AT THE DISTRICT OFFICE, AND THE FEE FOR A PREAPPLICATION  
15 MEETING AT THE PROJECT SITE IS \$100.00.

16 (B) IF THE PERSON WITHDRAWS THE REQUEST FOR A PREAPPLICATION  
17 MEETING AT LEAST 24 HOURS BEFORE THE MEETING, THE DEPARTMENT MAY  
18 AGREE WITH THE PERSON TO RESCHEDULE THE MEETING OR SHALL PROMPTLY  
19 REFUND THE FEE AND NEED NOT MEET AS PROVIDED IN THIS SECTION.  
20 OTHERWISE, IF, AFTER AGREEING TO THE TIME AND PLACE FOR A  
21 PREAPPLICATION MEETING, THE PERSON IS NOT REPRESENTED AT THE  
22 MEETING, THE PERSON SHALL FORFEIT THE FEE FOR THE MEETING. IF,  
23 AFTER AGREEING TO THE TIME AND PLACE FOR A PREAPPLICATION  
24 MEETING, THE DEPARTMENT IS NOT REPRESENTED AT THE MEETING, THE  
25 DEPARTMENT SHALL REFUND THE FEE AND SEND A REPRESENTATIVE TO A  
26 RESCHEDULED MEETING TO BE HELD WITHIN 10 DAYS OF THE FIRST  
27 SCHEDULED MEETING DATE.

1 (C) ANY WRITTEN AGREEMENT PROVIDED BY THE DEPARTMENT AS A  
2 RESULT OF THE PREAPPLICATION MEETING REGARDING THE NEED TO OBTAIN  
3 A FLOODPLAIN PERMIT UNDER THIS SECTION IS BINDING ON THE  
4 DEPARTMENT FOR 2 YEARS FROM THE DATE OF THE AGREEMENT.

5 (11) THE DEPARTMENT SHALL ADJUST THE FEES UNDER THIS SECTION  
6 IN 2010 AND EVERY FIFTH YEAR THEREAFTER BY AN AMOUNT DETERMINED  
7 BY THE STATE TREASURER TO REFLECT THE CUMULATIVE ANNUAL  
8 PERCENTAGE CHANGE IN THE DETROIT CONSUMER PRICE INDEX AND ROUNDED  
9 TO THE NEAREST DOLLAR.

10 (12) ~~(8)~~—The department shall forward fees collected under  
11 this section to the state treasurer for deposit in the land and  
12 water management permit fee fund created in section 30113.

13 (13) ~~(9)~~—A project that requires review and approval under  
14 this part and 1 or more of the following is subject to only the  
15 single highest permit fee required under this part or the  
16 following:

17 (a) Part 301.

18 (b) Part 303.

19 (c) Part 323.

20 (d) Part 325.

21 (e) Section 117 of the land division act, 1967 PA 288, MCL  
22 560.117.

23 Sec. 3115a. (1) Except as provided in subsections (2) and  
24 (3), a person who alters or causes the alteration of a floodplain  
25 in violation of this part is guilty of a misdemeanor punishable  
26 by a fine of not more than ~~\$2,500.00~~ **\$5,000.00** for each  
27 occurrence.

(2) A person who commits a minor offense is guilty of a misdemeanor punishable by a fine of not more than ~~\$500.00~~ **\$1,000.00** for each violation. A law enforcement officer may issue and serve an appearance ticket upon a person for a minor offense pursuant to sections ~~9a-9C~~ to 9g of chapter IV of the code of criminal procedure, ~~Act No. 175 of the Public Acts of 1927, being sections 764.9a to 764.9g of the Michigan Compiled Laws 1927 PA 175, MCL 764.9C TO 764.9G.~~

(3) A person who willfully or recklessly violates a condition of a floodplain permit issued under this part is guilty of a misdemeanor punishable by a fine of not more than ~~\$2,500.00~~ **\$5,000.00** per day.

(4) As used in this section, "minor offense" means either of the following violations of this part if the department determines that restoration of the affected floodplain is not required:

(a) The failure to obtain a permit under this part.

(b) A violation of a permit issued under this part.

Sec. 3122. (1) ~~Until October 1,~~ **BEGINNING DECEMBER 1, 2007,** the department may levy and collect an annual groundwater discharge permit fee from facilities that discharge wastewater to the ground or groundwater of this state pursuant to section 3112. The **GROUNDWATER PERMIT DISCHARGE** fee shall be as follows:

(a) For a group 1 facility, ~~\$3,650.00.~~ **THE FOLLOWING:**

(i) **FOR A FACILITY THAT DISCHARGES 60 MGY OR MORE,**  
**\$16,000.00.**

(ii) **FOR A FACILITY THAT DISCHARGES 30 MGY OR MORE BUT LESS**

- 1 THAN 60 MGY, \$12,000.00.
- 2 (iii) FOR A FACILITY THAT DISCHARGES 10 MGY OR MORE BUT LESS  
3 THAN 30 MGY, \$8,000.00.
- 4 (iv) FOR A FACILITY THAT DISCHARGES LESS THAN 10 MGY,  
5 \$5,000.00.
- 6 (v) NOTWITHSTANDING SUBPARAGRAPHS (i) TO (iv), FOR A  
7 MUNICIPALITY WITH FEWER THAN 1,000 RESIDENTS, \$2,000.00.
- 8 (b) For a group 2 facility, ~~or a municipality of 1,000 or~~  
9 ~~fewer residents, \$1,500.00.~~ THE FOLLOWING:
- 10 (i) FOR A FACILITY THAT DISCHARGES 10 MGY OR MORE, \$7,000.00.
- 11 (ii) FOR A FACILITY THAT DISCHARGES 4 MGY OR MORE BUT LESS  
12 THAN 10 MGY, \$5,000.00.
- 13 (iii) FOR A FACILITY THAT DISCHARGES 1 MGY OR MORE BUT LESS  
14 THAN 4 MGY, \$3,500.00.
- 15 (iv) FOR A FACILITY THAT DISCHARGES LESS THAN 1 MGY,  
16 \$2,000.00.
- 17 (c) For a group 3 facility, ~~\$200.00.~~ THE FOLLOWING:
- 18 (i) FOR A FACILITY THAT DISCHARGES 10 MGY OR MORE, \$7,000.00.
- 19 (ii) FOR A FACILITY THAT DISCHARGES 3 MGY OR MORE BUT LESS  
20 THAN 10 MGY, \$5,000.00.
- 21 (iii) FOR A FACILITY THAT DISCHARGES 1 MGY OR MORE BUT LESS  
22 THAN 3 MGY, \$3,500.00.
- 23 (iv) FOR A FACILITY THAT DISCHARGES LESS THAN 1 MGY,  
24 \$2,000.00.
- 25 (D) FOR A GROUP 4 FACILITY, \$2,000.00.
- 26 (E) FOR A GROUP 5 FACILITY, \$350.00.
- 27 (2) BEGINNING DECEMBER 1, 2008, AND EACH DECEMBER 1

1 THEREAFTER, THE DEPARTMENT SHALL ADJUST THE GROUNDWATER DISCHARGE  
2 PERMIT FEES UNDER THIS SECTION BY AN AMOUNT DETERMINED BY THE  
3 STATE TREASURER TO REFLECT THE CUMULATIVE ANNUAL PERCENTAGE  
4 CHANGE IN THE DETROIT CONSUMER PRICE INDEX ROUNDED TO THE NEAREST  
5 DOLLAR.

6 (3) ~~(2)~~ Within 180 days after receipt of a complete  
7 application, the department shall either grant or deny a permit,  
8 unless the applicant and the department agree to extend this time  
9 period. ~~If the department fails to make a decision on an~~  
10 ~~application within the time period specified or agreed to under~~  
11 ~~this subsection, the applicant shall receive a 15% annual~~  
12 ~~discount on an annual groundwater discharge permit fee for a~~  
13 ~~permit issued based upon that application. This subsection~~  
14 ~~applies to permit applications received beginning October 1,~~  
15 ~~2005.~~

16 (4) ~~(3)~~ If the person required to pay the annual groundwater  
17 discharge permit fee under subsection (1) is a municipality, the  
18 municipality may pass on the annual groundwater discharge permit  
19 fee to each user of the municipal facility.

20 (5) ~~(4)~~ As used in this section, ~~"group 1 facility", "group~~  
21 ~~2 facility", and "group 3 facility" do not include a municipality~~  
22 ~~with a population of 1,000 or fewer residents~~ **"MGY" MEANS MILLION**  
23 **GALLONS PER YEAR.**

24 Sec. 3124. (1) The groundwater discharge permit fund is  
25 created within the state treasury. The state treasurer may  
26 receive money or other assets from any source for deposit into  
27 the groundwater discharge permit fund. The state treasurer shall

1 direct the investment of the groundwater discharge permit fund.

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

5 (3) The state treasurer shall credit to the groundwater  
6 discharge permit fund the interest and earnings from groundwater  
7 discharge permit fund investments.

8 (4) The department shall expend money from the groundwater  
9 discharge permit fund, upon appropriation, only to implement the  
10 department's groundwater discharge program under this part.

11 ~~However, in any state fiscal year, the department shall not~~  
12 ~~expend more than \$2,000,000.00 of money from the fund.~~

13 (5) By March 1 annually, the department shall prepare and  
14 submit to the governor, the legislature, the chair of the  
15 standing committees of the senate and house of representatives  
16 with primary responsibility for issues related to natural  
17 resources and the environment, and the chairs of the  
18 subcommittees of the senate and house appropriations committees  
19 with primary responsibility for appropriations to the department  
20 a report that details the activities during the previous fiscal  
21 year in administering the department's groundwater discharge  
22 program that were funded by the groundwater discharge permit  
23 fund. This report shall include, at a minimum, all of the  
24 following as they relate to the department:

25 (a) The number of full-time equated positions performing  
26 groundwater permitting, compliance, and enforcement activities.

27 (b) The number of applications received by the department,

1 reported as the number of applications determined to be  
2 administratively incomplete and the number determined to be  
3 administratively complete.

4 (c) The number of applications for groundwater permits  
5 determined to be administratively complete for which a final  
6 action was taken by the department. The number of final actions  
7 shall be reported as the number of applications approved, the  
8 number of applications denied, and the number of applications  
9 withdrawn by the applicant.

10 (d) The percentage and number of applications determined to  
11 be administratively complete for which a final decision was made  
12 within the statutory time frame.

13 (e) The number of inspections conducted at groundwater  
14 facilities.

15 (f) The number of violation letters sent.

16 (g) The number of contested case hearings and civil actions  
17 initiated and completed, the number of voluntary consent orders  
18 and administrative orders entered or issued, and the amount of  
19 fines and penalties collected through such actions or orders.

20 (h) For each enforcement action that includes a penalty, a  
21 description of what corrective actions were required by the  
22 enforcement action.

23 (i) The number of groundwater complaints received,  
24 investigated, resolved, and not resolved by the department.

25 (j) The amount of revenue in the groundwater discharge  
26 permit fund at the end of the fiscal year.

27 **PART 50**



ON-SITE WASTEWATER TREATMENT SYSTEMS

SEC. 5001. AS USED IN THIS PART:

(A) "ALTERNATIVE SYSTEM" MEANS AN ON-SITE WASTEWATER TREATMENT SYSTEM THAT IS NOT A CONVENTIONAL SYSTEM AND THAT PROVIDES FOR BASELINE RISK-BASED PROTECTION FOR PUBLIC HEALTH AND THE ENVIRONMENT THROUGH UNIFORM DISTRIBUTION OF EFFLUENT TO THE FINAL DISPOSAL SYSTEM OR THROUGH ENHANCED TREATMENT PRIOR TO FINAL DISPOSAL, OR THROUGH A COMBINATION OF THESE.

(B) "CONVENTIONAL SYSTEM" MEANS AN ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM THAT CONTAINS A WATERTIGHT SEPTIC TANK WITH NONUNIFORM DISTRIBUTION OF EFFLUENT TO SUBSURFACE SOIL TRENCHES OR AN ABSORPTION BED.

(C) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

(D) "LOCAL HEALTH DEPARTMENT" MEANS A LOCAL HEALTH DEPARTMENT AS DEFINED IN SECTION 1105 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1105.

(E) "ON-SITE WASTEWATER TREATMENT SYSTEM" OR "SYSTEM" MEANS A SYSTEM TREATING SANITARY SEWAGE, INCLUDING INDIVIDUAL SYSTEMS, COMMUNITY SYSTEMS, AND COMMERCIAL SYSTEMS THAT USE SUBSURFACE DISPERSAL.

(F) "SANITARY SEWAGE" MEANS WATER AND CONTAMINANTS DISCHARGED FROM SANITARY CONVENIENCES, INCLUDING BATHROOM, KITCHEN, AND HOUSEHOLD LAUNDRY FIXTURES OF DWELLINGS, OFFICE BUILDINGS, INDUSTRIAL PLANTS, COMMERCIAL BUILDINGS, AND INSTITUTIONS. COMMERCIAL LAUNDRY WASTES AND WASTES FROM INDUSTRIAL AND COMMERCIAL PROCESSES ARE NOT CONSIDERED SANITARY

1 SEWAGE.

2 SEC. 5002. (1) A LOCAL HEALTH DEPARTMENT SHALL REQUIRE A  
3 PERSON TO OBTAIN A PERMIT PRIOR TO THE INSTALLATION OF A  
4 CONVENTIONAL OR ALTERNATIVE WASTEWATER TREATMENT SYSTEM. THE  
5 INSTALLATION OF THE CONVENTIONAL OR ALTERNATIVE WASTEWATER  
6 TREATMENT SYSTEM SHALL BE CONDUCTED IN COMPLIANCE WITH THIS ACT  
7 AND THE APPLICABLE LOCAL SANITARY CODE ADOPTED UNDER THE PUBLIC  
8 HEALTH CODE, 1978 PA 368, MCL 333.1101 TO 333.25211.

9 (2) AN APPLICATION FOR A PERMIT AUTHORIZING THE INSTALLATION  
10 OF CONVENTIONAL OR ALTERNATIVE WASTEWATER TREATMENT SYSTEMS  
11 SUBMITTED TO A LOCAL HEALTH DEPARTMENT SHALL BE ACCOMPANIED BY A  
12 STATE FILING FEE AS FOLLOWS:

13 (A) FOR SINGLE- AND 2-FAMILY DWELLINGS, \$50.00.

14 (B) FOR LOCATIONS OTHER THAN SINGLE- AND 2-FAMILY DWELLINGS,  
15 \$160.00.

16 (3) THE STATE FILING FEE UNDER SUBSECTION (2) SHALL BE  
17 PAYABLE TO THE LOCAL HEALTH DEPARTMENT HAVING JURISDICTION.

18 (4) THE FOLLOWING AMOUNTS OF THE STATE FILING FEE UNDER  
19 SUBSECTION (2) SHALL BE FORWARDED BY THE LOCAL HEALTH DEPARTMENT  
20 TO THE DEPARTMENT NOT MORE THAN 90 CALENDAR DAYS FOLLOWING THE  
21 DATE THE PERMIT APPLICATION WAS RECEIVED BY THE LOCAL HEALTH  
22 DEPARTMENT:

23 (A) FOR SINGLE- AND 2-FAMILY DWELLINGS, \$15.00.

24 (B) FOR LOCATIONS OTHER THAN SINGLE- AND 2-FAMILY DWELLINGS,  
25 \$125.00.

26 (5) THE DEPARTMENT SHALL ANNUALLY ADJUST THE FEES UNDER THIS  
27 SECTION BY AN AMOUNT DETERMINED BY THE STATE TREASURER TO REFLECT

1 THE CUMULATIVE ANNUAL PERCENTAGE CHANGE IN THE DETROIT CONSUMER  
2 PRICE INDEX.

3 SEC. 5003. (1) THE ON-SITE WASTEWATER TREATMENT PROGRAM FUND  
4 IS CREATED WITHIN THE STATE TREASURY.

5 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS  
6 FROM ANY SOURCE FOR DEPOSIT INTO THE ON-SITE WASTEWATER TREATMENT  
7 PROGRAM FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF  
8 THE ON-SITE WASTEWATER TREATMENT PROGRAM FUND. THE STATE  
9 TREASURER SHALL CREDIT TO THE ON-SITE WASTEWATER TREATMENT  
10 PROGRAM FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

11 (3) THE UNENCUMBERED BALANCE REMAINING IN THE ON-SITE  
12 WASTEWATER TREATMENT PROGRAM FUND AT THE CLOSE OF THE FISCAL YEAR  
13 SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL  
14 FUND.

15 (4) THE MONEY IN THE ON-SITE WASTEWATER TREATMENT PROGRAM  
16 FUND SHALL BE EXPENDED ONLY AS PROVIDED IN THIS SECTION. THE  
17 DEPARTMENT SHALL EXPEND MONEY FROM THE ON-SITE WASTEWATER  
18 TREATMENT PROGRAM FUND, UPON APPROPRIATION, FOR ALL OF THE  
19 FOLLOWING:

20 (A) TO IMPLEMENT THIS PART.

21 (B) TO IMPLEMENT SECTION 118 OF THE LAND DIVISION ACT, 1967  
22 PA 288, MCL 560.118.

23 (C) TO IMPLEMENT SECTION 71A OF THE CONDOMINIUM ACT, 1978 PA  
24 59, MCL 559.171A.

25 (D) TO IMPLEMENT SERVICES PROVIDED BY THE STATE TO EVALUATE,  
26 OVERSEE, CONSULT, AND TRAIN LOCAL HEALTH DEPARTMENTS IMPLEMENTING  
27 ON-SITE WASTEWATER PROGRAMS AS A BASIC HEALTH SERVICE OF THE

1 STATE UNDER THE FOLLOWING PROVISIONS:

2 (i) PART 23 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL  
3 333.2301 TO 333.2321.

4 (ii) SECTION 12757 OF THE PUBLIC HEALTH CODE, 1978 PA 368,  
5 MCL 333.12757.

6 (E) TO DEVELOP MINIMUM PROGRAM REQUIREMENTS FOR THE CONDUCT  
7 OF LOCAL HEALTH DEPARTMENT ON-SITE WASTEWATER PROGRAMS PURSUANT  
8 TO SECTION 2473(3) OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL  
9 333.2473.

10 SEC. 5004. THE DEPARTMENT MAY ENTER INTO AGREEMENTS,  
11 CONTRACTS, OR COOPERATIVE ARRANGEMENTS WITH APPROPRIATE LOCAL  
12 HEALTH DEPARTMENTS OR OTHER INDIVIDUALS FOR THE PURPOSE OF  
13 ADMINISTERING THIS PART.

14 Sec. 5521. (1) The emissions control fund is created within  
15 the state treasury. The state treasurer may receive money from  
16 any source for deposit into the fund. The state treasurer shall  
17 direct the investment of the fund. The state treasurer shall  
18 credit to the fund interest and earnings from fund investments.

19 (2) Money in the fund at the close of the fiscal year shall  
20 remain in the fund and shall not lapse to the general fund.

21 (3) Upon the expenditure or appropriation of funds raised  
22 through fees in this part for any purpose other than those  
23 specifically listed in this part, authorization to collect fees  
24 under this part is suspended until such time as the funds  
25 expended or appropriated for purposes other than those listed in  
26 this part are returned to the emissions control fund.

27 (4) Beginning October 1, 1994 and thereafter money shall be

1 expended from the fund, upon appropriation, only for the  
2 following purposes as they relate to implementing the operating  
3 permit program required by title V:

4 (a) Preparing generally applicable rules or guidance  
5 regarding the operating permit program or its implementation or  
6 enforcement.

7 (b) Reviewing and acting on any application for a **NEW SOURCE**  
8 **REVIEW OR OPERATING** permit, permit revision, or permit renewal,  
9 the development of an applicable requirement as part of the  
10 processing of a permit, or permit revision or renewal.

11 (c) General administrative costs of running the operating  
12 permit program, including the supporting and tracking of permit  
13 applications, compliance certification, and related data entry.

14 (d) Implementing and enforcing the terms of any operating  
15 permit, not including any court costs or other costs associated  
16 with an enforcement action.

17 (e) Emissions and ambient monitoring.

18 (f) Modeling, analysis, or demonstration.

19 (g) Preparing inventories and tracking emissions.

20 (h) Providing direct and indirect support to facilities  
21 under the small business clean air assistance program created in  
22 part 57.

23 Sec. 5522. (1) ~~For the state fiscal year beginning October~~  
24 ~~1, 2001, and continuing until September 30, 2007, the~~ **THE** owner  
25 or operator of each fee-subject facility shall pay air quality  
26 fees as required and calculated under this section. The  
27 department may levy and collect an annual air quality fee from

1 the owner or operator of each fee-subject facility in this state.  
 2 The legislature intends that the fees required under this section  
 3 meet the minimum requirements of the clean air act and that this  
 4 expressly stated fee system serve as a limitation on the amount  
 5 of fees imposed under this part on the owners or operators of  
 6 fee-subject facilities in this state.

7 (2) ~~The~~ **FOR THE STATE FISCAL YEAR BEGINNING OCTOBER 1, 2007,**  
 8 **THE** annual air quality fee shall be calculated for each fee-  
 9 subject facility, according to the following procedure:

10 (a) For category I **AND CATEGORY II** facilities, the annual  
 11 air quality fee shall be the sum of a facility charge and an  
 12 emissions charge as ~~specified in subdivision (c).~~ The facility  
 13 ~~charge shall be \$4,485.00.~~ **DETERMINED IN SUBDIVISIONS (C) AND**  
 14 **(D) .**

15 ~~—— (b) For category II facilities, the annual air quality fee~~  
 16 ~~shall be the sum of a facility charge and an emissions charge as~~  
 17 ~~specified in subdivision (c). The facility charge shall be~~  
 18 ~~\$1,795.00.~~

19 **(B)** ~~(c)~~ For category III facilities, the annual air quality  
 20 fee shall be ~~\$250.00~~ **\$275.00 FOR THE STATE FISCAL YEAR BEGINNING**  
 21 **OCTOBER 1, 2007, AND, FOR EACH SUCCEEDING FISCAL YEAR, THE PAST**  
 22 **YEAR'S FEE ADJUSTED EACH OCTOBER 1 BY AN AMOUNT DETERMINED BY THE**  
 23 **STATE TREASURER TO REFLECT THE CUMULATIVE ANNUAL PERCENTAGE**  
 24 **CHANGE IN THE DETROIT CONSUMER PRICE INDEX, ROUNDED TO THE**  
 25 **NEAREST DOLLAR.**

26 ~~—— (d) For municipal electric generating facilities that are~~  
 27 ~~category I facilities and that emit more than 450 tons but less~~

~~than 18,000 tons of fee subject air pollutants, the annual air quality fee shall be the following amount, based on the number of tons of fee subject air pollutants emitted:~~

~~—— (i) More than 450 tons but less than 4,000 tons, \$24,816.00.~~

~~—— (ii) At least 4,000 tons but not more than 5,300 tons, \$24,816.00 plus \$45.25 per ton of fee subject air pollutant in excess of 4,000 tons.~~

~~—— (iii) More than 5,300 tons but not more than 12,000 tons, \$85,045.00.~~

~~—— (iv) More than 12,000 tons but less than 18,000 tons, \$159,459.00.~~

~~—— (e) The emissions charge for category I and category II facilities shall equal the emission charge rate of \$45.25, multiplied by the actual tons of fee subject air pollutants emitted. A pollutant that qualifies as a fee subject air pollutant under more than 1 class shall be charged only once. The actual tons of fee subject air pollutants emitted is considered to be the sum of all fee subject air pollutants emitted at the fee subject facility for the calendar year 2 years preceding the year of billing, but not more than the lesser of the following:~~

~~—— (i) 4,000 tons.~~

~~—— (ii) 1,000 tons per pollutant, if the sum of all fee subject air pollutants except carbon monoxide emitted at the fee subject facility is less than 4,000 tons.~~

~~—— (3) The auditor general shall conduct a biennial audit of the federally mandated operating permit program required in title V. The audit shall include the auditor general's recommendation~~

~~1 regarding the sufficiency of the fees required under subsection~~  
~~2 (2) to meet the minimum requirements of the clean air act.~~

3 (C) THE FACILITY CHARGE IS AS FOLLOWS:

4 (i) FOR CATEGORY I FACILITIES, AS FOLLOWS:

5 (A) FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007,  
6 \$5,010.00.

7 (B) FOR EACH SUCCEEDING FISCAL YEAR, THE PAST YEAR'S  
8 FACILITY CHARGE ADJUSTED EACH OCTOBER 1 BY AN AMOUNT DETERMINED  
9 BY THE STATE TREASURER TO REFLECT THE CUMULATIVE ANNUAL  
10 PERCENTAGE CHANGE IN THE DETROIT CONSUMER PRICE INDEX, ROUNDED TO  
11 THE NEAREST DOLLAR.

12 (ii) FOR CATEGORY II FACILITIES, AS FOLLOWS:

13 (A) FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007,  
14 \$2,005.00.

15 (B) FOR EACH SUCCEEDING FISCAL YEAR, THE PAST YEAR'S  
16 FACILITY CHARGE ADJUSTED EACH OCTOBER 1 BY AN AMOUNT DETERMINED  
17 BY THE STATE TREASURER TO REFLECT THE CUMULATIVE ANNUAL  
18 PERCENTAGE CHANGE IN THE DETROIT CONSUMER PRICE INDEX, ROUNDED TO  
19 THE NEAREST DOLLAR.

20 (D) THE EMISSIONS CHARGE IS THE FOLLOWING EMISSION RATE  
21 MULTIPLIED BY THE ACTUAL TONS OF FEE-SUBJECT AIR POLLUTANTS  
22 EMITTED:

23 (i) FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, THE  
24 EMISSION RATE IS \$50.84.

25 (ii) FOR EACH SUCCEEDING FISCAL YEAR, THE EMISSION RATE IS  
26 THE PAST YEAR'S EMISSION RATE ADJUSTED EACH OCTOBER 1 BY AN  
27 AMOUNT DETERMINED BY THE STATE TREASURER TO REFLECT THE



1 CUMULATIVE ANNUAL PERCENTAGE CHANGE IN THE DETROIT CONSUMER PRICE  
2 INDEX, ROUNDED TO THE NEAREST DOLLAR.

3 (3) A POLLUTANT THAT QUALIFIES AS A FEE-SUBJECT AIR  
4 POLLUTANT UNDER MORE THAN 1 CLASS SHALL BE CHARGED ONLY ONCE. THE  
5 ACTUAL TONS OF FEE-SUBJECT AIR POLLUTANTS EMITTED ARE CONSIDERED  
6 TO BE THE SUM OF ALL FEE-SUBJECT AIR POLLUTANTS EMITTED AT THE  
7 FEE-SUBJECT FACILITY FOR THE CALENDAR YEAR 2 YEARS PRECEDING THE  
8 YEAR OF BILLING, BUT NOT MORE THAN THE LESSER OF 8,000 TONS OR  
9 2,000 TONS PER POLLUTANT, IF THE SUM OF ALL FEE-SUBJECT AIR  
10 POLLUTANTS EXCEPT CARBON MONOXIDE EMITTED AT THE FEE-SUBJECT  
11 FACILITY IS LESS THAN 8,000 TONS.

12 (4) FOR EACH FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND  
13 THEREAFTER, THE DEPARTMENT SHALL CREDIT FEES DETERMINED FOR ALL  
14 CATEGORY I AND CATEGORY II FACILITIES IN SUBSECTION (2) AS  
15 FOLLOWS:

16 (A) ALL FUNDS REMAINING IN THE EMISSION CONTROL FUND AT THE  
17 END OF THE FISCAL YEAR, AFTER ALL APPROPRIATE EXPENDITURES, IN  
18 EXCESS OF \$2,000,000.00 SHALL BE RETURNED TO THE FEE-SUBJECT  
19 FACILITIES IN THE SUBSEQUENT FISCAL YEAR.

20 (B) CREDITS SHALL BE MADE TO ALL CATEGORY I AND CATEGORY II  
21 SOURCES TO BE BILLED IN THE SUBSEQUENT FISCAL YEAR IN DIRECT  
22 PROPORTION TO EACH FACILITY'S ANNUAL AIR QUALITY FEE DETERMINED  
23 UNDER SUBSECTION (2).

24 (C) EACH FEE-SUBJECT FACILITY SHALL BE ADVISED OF CREDITS  
25 RECEIVED, IF ANY.

26 (5) ~~(4)~~ After January 1, but before January 15 of each year,  
27 ~~beginning in 1995~~ IF POSSIBLE, the department shall notify the

owner or operator of each fee-subject facility of its assessed annual air quality fee. Payment is due within 90 calendar days of the mailing date of the air quality fee notification. If an assessed fee is challenged under subsection ~~(6)~~-(7), payment is due within 90 calendar days of the mailing date of the air quality fee notification or within 30 days of receipt of a revised fee or statement supporting the original fee, whichever is later. The department shall deposit all fees collected under this section to the credit of the **EMISSIONS CONTROL** fund.

**NOTWITHSTANDING THE REQUIREMENTS OF THIS SUBSECTION, THE DEPARTMENT MAY ADJUST THE BILLING DATE AND DUE DATE FOR CATEGORY III DRY CLEANING FACILITIES THAT ARE ALSO SUBJECT TO THE LICENSING OR CERTIFICATION REQUIREMENTS OF SECTION 13305 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.13305, AND SECTION 5I OF THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.5I, IN ORDER TO COMBINE FEE ASSESSMENTS.**

(6) ~~(5)~~—If the owner or operator of a fee-subject facility fails to submit the amount due within the time period specified in subsection ~~(4)~~-(5), the department shall assess the owner or operator a penalty of 5% of the amount of the unpaid fee for each month that the payment is overdue up to a maximum penalty of 25% of the total fee owed.

(7) ~~(6)~~—If the owner or operator of a fee-subject facility desires to challenge its assessed fee, the owner or operator shall submit the challenge in writing to the department. The department shall not process the challenge unless it is received by the department within 45 calendar days of the mailing date of

1 the air quality fee notification described in subsection ~~(4)~~ (5).  
 2 A challenge shall identify the facility and state the grounds  
 3 upon which the challenge is based. Within 30 calendar days of  
 4 receipt of the challenge, the department shall determine the  
 5 validity of the challenge and provide the owner with notification  
 6 of a revised fee or a statement setting forth the reason or  
 7 reasons why the fee was not revised. Payment of the challenged or  
 8 revised fee is due within the time frame described in subsection  
 9 ~~(4)~~ (5). If the owner or operator of a facility desires to  
 10 further challenge its assessed fee, the owner or operator of the  
 11 facility has an opportunity for a contested case hearing as  
 12 provided for under the administrative procedures act of 1969,  
 13 1969 PA 306, MCL 24.201 to 24.328.

14 (8) ~~(7)~~ If requested by the department, by March 15 of each  
 15 year, or within 45 days of a request by the department, whichever  
 16 is later, the owner or operator of each fee-subject facility  
 17 shall submit ~~information regarding~~ the facility's previous year's  
 18 emissions to the department. The **FACILITY SHALL ALSO SUBMIT**  
 19 **SUPPORTING** information ~~shall be~~ sufficient for the department to  
 20 ~~calculate~~ **CONFIRM** the facility's emissions for that year and **TO**  
 21 meet the requirements of **SUBPART A OF** 40 CFR ~~51.320 to 51.327~~  
 22 **PART 51.**

23 (9) ~~(8)~~ By July 1 of each year, the department shall provide  
 24 the owner or operator of each fee-subject facility required to  
 25 pay an emission charge pursuant to this section with a copy of  
 26 the department's calculation of the facility emissions for the  
 27 previous year. Within 60 days of this notification, the owner or

1 operator of the facility may provide corrections to the  
2 department. The department shall make a final determination of  
3 the emissions by December 15 of that year. If the owner or  
4 operator disagrees with the determination of the department, the  
5 owner or operator may request a contested case hearing as  
6 provided for under the administrative procedures act of 1969,  
7 1969 PA 306, MCL 24.201 to 24.328.

8 (10) ~~(9)~~ By March 1 annually, the department shall prepare  
9 and submit to the governor, the legislature, the chairpersons of  
10 the standing committees of the senate and house of  
11 representatives with primary responsibility for environmental  
12 protection issues related to air quality, and the chairpersons of  
13 the subcommittees of the senate and house appropriations  
14 committees with primary responsibility for appropriations to the  
15 department a report that details the activities of the previous  
16 fiscal year funded by the fund for the department. This report  
17 shall include, at a minimum, all of the following as it relates  
18 to the department:

19 (a) The number of full-time equated positions performing  
20 title V and non-title V air quality enforcement, compliance, or  
21 permitting activities.

22 (b) All of the following information related to the permit  
23 to install program authorized under section 5505:

24 (i) The number of permit to install applications received by  
25 the department.

26 (ii) The number of permit to install applications for which a  
27 final action was taken by the department. The number of final

1 actions should be reported as the number of applications  
2 approved, the number of applications denied, and the number of  
3 applications withdrawn by the applicant.

4 (iii) The number of permits to install approved that were  
5 required to complete public participation under section 5511(3)  
6 before final action and the number of permits to install approved  
7 that were not required to complete public participation under  
8 section 5511(3) prior to final action.

9 (iv) The average number of final permit actions per permit to  
10 install reviewer full-time equivalent position.

11 (v) The percentage and number of permit to install  
12 applications which were reviewed for administrative completeness  
13 within 10 days of receipt by the department.

14 (vi) The percentage and number of permit to install  
15 applications which were reviewed for technical completeness  
16 within 30 days of receipt of an administratively complete  
17 application by the department.

18 (vii) The percentage and number of permit to install  
19 applications submitted to the department that were  
20 administratively complete as received.

21 (viii) The percentage and number of permit to install  
22 applications for which a final action was taken by the department  
23 within 60 days of receipt of a technically complete application  
24 for those not required to complete public participation under  
25 section 5511(3) prior to final action, or within 120 days of  
26 receipt of a technically complete application for those which are  
27 required to complete public participation under section 5511(3)

1 prior to final action.

2 (c) All of the following information for the renewable  
3 operating permit program authorized under section 5506:

4 (i) The number of renewable operating permit applications  
5 received by the department.

6 (ii) The number of renewable operating permit applications  
7 for which a final action was taken by the department. The number  
8 of final actions should be reported as the number of applications  
9 approved, the number of applications denied, and the number of  
10 applications withdrawn by the applicant.

11 (iii) The percentage and number of permit applications  
12 initially processed within the required time.

13 (iv) The percentage and number of permit renewals and  
14 modifications processed within the required time.

15 (v) The number of permit applications reopened by the  
16 department.

17 (vi) The number of general permits issued by the department.

18 (d) The number of letters of violation sent.

19 (e) The amount of penalties collected from all consent  
20 orders and judgments.

21 (f) For each enforcement action that includes payment of a  
22 penalty, a description of what corrective actions were required  
23 by the enforcement action.

24 (g) The number of inspections done on sources required to  
25 obtain a permit under section 5506 and the number of inspections  
26 of other sources.

27 (h) The number of air pollution complaints received,

1 investigated, not resolved, and resolved by the department.

2 (i) The number of contested case hearings and civil actions  
3 initiated and completed, and the number of voluntary consent  
4 orders, administrative penalty orders, and emergency orders  
5 entered or issued, for sources required to obtain a permit under  
6 section 5506.

7 (j) The amount of revenue in the fund at the end of the  
8 fiscal year.

9 (11) ~~(10)~~—The report under subsection ~~(9)~~—(10) shall also  
10 include the amount of revenue for programs under this part  
11 received during the prior fiscal year from fees, from federal  
12 funds, and from general fund appropriations. Each of these  
13 amounts shall be expressed as a dollar amount and as a percent of  
14 the total annual cost of programs under this part.

15 (12) ~~(11)~~—The attorney general may bring an action for the  
16 collection of the fees imposed under this section.

17 (13) ~~(12)~~—This section does not apply if the administrator  
18 of the United States environmental protection agency determines  
19 that the department is not adequately administering or enforcing  
20 the renewable operating permit program and the administrator  
21 promulgates and administers a renewable operating permit program  
22 for this state.

23 Sec. 11130. (1) The environmental pollution prevention fund  
24 is created in the state treasury.

25 (2) The state treasurer may receive money or other assets  
26 from any source for deposit into the environmental pollution  
27 prevention fund or into an account within the environmental

1 pollution prevention fund. The state treasurer shall direct the  
2 investment of the environmental pollution prevention fund. The  
3 state treasurer shall credit to each account within the  
4 environmental pollution prevention fund interest and earnings  
5 from account investments.

6 (3) Money remaining in the environmental pollution  
7 prevention fund and in any account within the environmental  
8 pollution prevention fund at the close of the fiscal year shall  
9 not lapse to the general fund.

10 (4) The hazardous waste transporter account is created  
11 within the environmental pollution prevention fund. The  
12 department shall expend money from the hazardous waste  
13 transporter account, upon appropriation, for the implementation  
14 of this part. In addition, funds not expended for the  
15 implementation of this part may be utilized for emergency  
16 response and cleanup activities related to hazardous waste that  
17 are initiated by the department.

18 (5) The hazardous waste and liquid industrial waste users  
19 account is created within the environmental pollution prevention  
20 fund. The department shall expend money from the hazardous waste  
21 and liquid industrial waste users account, upon appropriation, to  
22 implement the state's hazardous waste management program in  
23 accordance with this part and the rules promulgated under this  
24 part. The target revenue projection for the hazardous waste and  
25 liquid industrial waste users account is ~~\$1,600,000.00~~  
26 **\$2,500,000.00.**

27 Sec. 11135. (1) A hazardous waste generator shall provide a



1 separate manifest to the transporter for each load of hazardous  
2 waste transported to property that is not on the site where ~~it~~  
3 **THE HAZARDOUS WASTE** was generated. Beginning on October 1, ~~2002~~  
4 ~~2007~~ and until March 31, ~~2008~~**2012**, a person required to prepare  
5 a manifest shall submit to the department a manifest processing  
6 user charge of ~~\$6.00~~**\$15.00** per manifest and his or her tax  
7 identification number. Each calendar year, the department may  
8 adjust the manifest processing user charge as necessary to ensure  
9 that the total cumulative amount of the user charges assessed  
10 pursuant to this section and sections 11153, 12103, 12109, and  
11 12112 are consistent with the target revenue projection for the  
12 hazardous waste and liquid industrial waste users account as  
13 provided for in section 11130(5). However, the manifest  
14 processing user charge shall not exceed ~~\$8.00~~**\$20.00** per  
15 manifest. Money collected under this subsection shall be  
16 forwarded to the state treasurer for deposit into the  
17 environmental pollution prevention fund created in section 11130  
18 and credited to the hazardous waste and liquid industrial waste  
19 users account created in section 11130(5).

20 (2) Payment of the manifest processing user charges under  
21 subsection (1) shall be made using a form provided by the  
22 department. Beginning in ~~2004~~**2008**, the department shall send a  
23 form to each person subject to the manifest processing user  
24 charge by ~~February 28~~**MARCH 24** of each year. **THE FORM FOR THE**  
25 **FIRST BILLING CYCLE SHALL SPECIFY THE NUMBER OF MANIFESTS**  
26 **PREPARED BY THAT PERSON THAT WERE PROCESSED BY THE DEPARTMENT**  
27 **DURING THE MONTHS OF OCTOBER, NOVEMBER, AND DECEMBER 2006 AND**

1 **CALENDAR YEAR 2007.** The form **FOR SUBSEQUENT BILLING CYCLES** shall  
2 specify the number of manifests prepared by that person ~~and THAT~~  
3 **WERE** processed by the department during the previous ~~fiscal~~  
4 **CALENDAR** year. ~~Beginning in 2004, a~~ **A** person subject to the  
5 manifest processing user charge shall return the completed form  
6 and the appropriate payment to the department by April 30 of each  
7 year.

8 (3) A person who fails to provide timely and accurate  
9 information, a complete form, or the appropriate manifest  
10 processing user charge as provided for in this section is in  
11 violation of this part and is subject to both of the following:

12 (a) Payment of the manifest processing user charge and an  
13 administrative fine of 5% per month of the amount owed for ~~each~~  
14 **THE FIRST** month that the payment is delinquent **AND 10% FOR EACH**  
15 **MONTH THEREAFTER.** Any payments received after the ~~15th~~ **FIFTEENTH**  
16 of the month after the due date ~~shall be considered~~ **ARE**  
17 delinquent. However, the administrative fine shall not exceed 25%  
18 of the total amount owed.

19 (b) Beginning 5 months after the date payment of the  
20 manifest user charge is due, but not paid, at the request of the  
21 department, an action by the attorney general for the collection  
22 of the amount owed under subdivision (a) and the actual cost to  
23 the department in attempting to collect the amount owed under  
24 subdivision (a).

25 (4) Any amounts collected under subsection (3) for a  
26 violation of this section shall be forwarded to the state  
27 treasurer and deposited in the environmental pollution prevention

1 fund created in section 11130 and credited to the hazardous waste  
2 and liquid industrial waste users account created in section  
3 11130(5).

4 (5) The department shall maintain information regarding the  
5 manifest processing user charges received under this section as  
6 necessary to satisfy the reporting requirements of subsection  
7 (6).

8 (6) ~~Beginning in 2005, the~~ **THE** department shall evaluate the  
9 effectiveness and adequacy of the manifest processing user  
10 charges collected under this section relative to the overall  
11 revenue needs of the state's hazardous waste management program  
12 administered under this part. ~~Beginning in 2006, not~~ **NOT** later  
13 than April 1 of each even-numbered year, the department shall  
14 summarize its findings under this subsection in a report and  
15 shall provide that report to the legislature.

16 (7) A generator shall include on the manifest details as  
17 specified by the department and shall at least include sufficient  
18 qualitative and quantitative analysis and physical description to  
19 evaluate toxicity and methods of transportation, storage, and  
20 disposal. The manifest also shall include safety precautions as  
21 necessary for each load of hazardous waste. The generator shall  
22 submit to the department a copy of the manifest within ~~a period~~  
23 ~~of~~ 10 days after the end of the month for each load of hazardous  
24 waste transported within that month.

25 (8) The generator shall certify that the information  
26 contained on the manifest is factual.

27 (9) The specified destination of each load of hazardous

1 waste identified on the manifest shall be a designated facility.

2 (10) A generator who does not receive a copy of the manifest  
3 with the handwritten signature of the owner or operator of the  
4 designated facility within 35 days of the date the hazardous  
5 waste was accepted by the initial transporter shall contact the  
6 transporter to determine the status of the hazardous waste. If  
7 the generator is unable to determine the status of the hazardous  
8 waste upon contacting the transporter, the generator shall  
9 contact the owner or operator of the designated facility to which  
10 the hazardous waste was to be transported to determine the status  
11 of the hazardous waste.

12 (11) A generator shall submit an exception report to the  
13 department if the generator has not received a copy of the  
14 manifest with the handwritten signature of the owner or operator  
15 of the designated facility within 45 days of the date the  
16 hazardous waste was accepted by the initial transporter. The  
17 exception report shall include the following:

18 (a) A legible copy of the manifest for which the generator  
19 does not have confirmation of delivery.

20 (b) A cover letter signed by the generator or the  
21 generator's authorized representative explaining the efforts  
22 taken to locate the hazardous waste and the results of those  
23 efforts.

24 (12) A generator shall keep a copy of each manifest signed  
25 and dated by the initial transporter for 3 years or until the  
26 generator receives a signed and dated copy from the owner or  
27 operator of the designated facility that received the hazardous

1 waste. The generator shall keep the copy of the manifest signed  
2 and dated by the owner or operator of the designated facility for  
3 3 years. The retention periods required by this subsection shall  
4 be automatically extended during the course of any unresolved  
5 enforcement action regarding the regulated activity or as  
6 required by the department.

7       Sec. 11153. (1) A generator, transporter, or treatment,  
8 storage, or disposal facility shall obtain and utilize a site  
9 identification number assigned by the United States environmental  
10 protection agency or the department. Beginning on October 1, ~~2002~~  
11 ~~2007~~ and until March 31, ~~2008-2012~~, the department shall assess a  
12 site identification number user charge of ~~\$50.00-\$100.00~~ for each  
13 site identification number it issues. The department shall not  
14 issue a site identification number under this subsection unless  
15 the site identification number user charge and the tax  
16 identification number for the person applying for the site  
17 identification number have been received by the department.

18       (2) Beginning on October 1, ~~2002-2007~~ and until March 31,  
19 ~~2008-2012~~, except as provided in subsection (9), the department  
20 shall annually assess handler user charges as follows:

21       (a) A generator shall pay a handler user charge that is the  
22 highest of the following applicable fees:

23       (i) A generator who generates more than 100 kilograms but  
24 less than 1,000 kilograms of hazardous waste in any month during  
25 ~~a-**THE**~~ calendar year shall pay to the department an annual handler  
26 user charge of ~~\$100.00-\$200.00~~.

27       (ii) A generator who generates 1,000 kilograms or more of

1 hazardous waste in any month during the calendar year and who  
2 generates less than 900,000 kilograms during the calendar year  
3 shall pay to the department an annual handler user charge of  
4 ~~\$400.00~~ **\$1,000.00.**

5 (iii) A generator who generates 1,000 kilograms or more of  
6 hazardous waste in any month during the calendar year and who  
7 generates 900,000 kilograms or more of hazardous waste during the  
8 calendar year shall pay to the department an annual handler user  
9 charge of ~~\$1,000.00~~ **\$2,500.00.**

10 (b) An owner or operator of a treatment, storage, or  
11 disposal facility for which an operating license is required  
12 under section 11123 or for which an operating license has been  
13 issued under section 11122 or 11125, **AND IS ACTIVELY ENGAGING IN**  
14 **HAZARDOUS WASTE MANAGEMENT ACTIVITIES,** shall pay to the  
15 department an annual handler user charge of ~~\$2,000.00~~ **\$6,000.00.**  
16 **AN OWNER OR OPERATOR OF A TREATMENT, STORAGE, OR DISPOSAL**  
17 **FACILITY THAT IS NOT ACTIVELY ENGAGED IN HAZARDOUS WASTE**  
18 **ACTIVITIES EXCEPT FOR THOSE ACTIVITIES ASSOCIATED WITH**  
19 **POSTCLOSURE OBLIGATIONS SHALL PAY TO THE DEPARTMENT AN ANNUAL**  
20 **HANDLER CHARGE OF \$2,000.00.**

21 (c) A used oil processor or rerefiner, a used oil burner, or  
22 a used oil fuel marketer as defined in the rules promulgated  
23 under this part shall pay to the department an annual handler  
24 user charge of ~~\$100.00~~ **\$200.00.**

25 (3) The handler user charges shall be based on each of the  
26 activities engaged in by the handler during the previous calendar  
27 year. A handler shall pay the handler user charge specified in

1 subsection (2)(a) to (c) for each of the activities conducted  
2 during the previous calendar year.

3 (4) Payment of the handler user charges shall be made using  
4 a form provided by the department. The handler shall certify that  
5 the information on the form is accurate. Beginning in ~~2003~~ **2008**,  
6 the department shall send forms to the handlers by ~~February 28~~  
7 **MARCH 24** of each year unless the handler user charges have been  
8 suspended as provided for in subsection (9). Beginning in ~~2003~~  
9 **2008**, a handler shall return the completed forms and the  
10 appropriate payment to the department by April 30 of each year  
11 unless the handler user charges have been suspended as provided  
12 for in subsection (9).

13 (5) A handler who fails to provide timely and accurate  
14 information, a complete form, or the appropriate handler user  
15 charge is in violation of this part and is subject to both of the  
16 following:

17 (a) Payment of the handler user charge and an administrative  
18 fine of 5% per month of the amount owed for each month that the  
19 payment is delinquent. Any payments received after the 15th of  
20 the month after the due date ~~shall be considered~~ **ARE** delinquent.  
21 However, the administrative fine shall not exceed 25% of the  
22 total amount owed.

23 (b) Beginning 5 months after the date payment of the handler  
24 user charge is due, but not paid, at the request of the  
25 department, an action by the attorney general for the collection  
26 of the amount owed under subdivision (a) and the actual cost to  
27 the department in attempting to collect the amount owed under

1 subdivision (a).

2 (6) The department shall maintain information regarding the  
3 site identification number user charges under subsection (1) and  
4 the handler user charges received under this section as necessary  
5 to satisfy the reporting requirements of subsection (8).

6 (7) The site identification number user charges and the  
7 handler user charges collected under this section and any amounts  
8 collected under subsection (5) for a violation of this section  
9 shall be forwarded to the state treasurer and deposited in the  
10 environmental pollution prevention fund created in section 11130  
11 and credited to the hazardous waste and liquid industrial waste  
12 users account created in section 11130(5).

13 (8) ~~Beginning in 2005, the~~ **THE** department shall evaluate the  
14 effectiveness and adequacy of the site identification number user  
15 charges and the handler user charges collected under this section  
16 relative to the overall revenue needs of the state's hazardous  
17 waste management program administered under this part. ~~Beginning~~  
18 ~~in 2006, not~~ **NOT** later than April 1 of each even-numbered year,  
19 the department shall summarize its findings under this subsection  
20 in a report and shall provide that report to the state  
21 legislature.

22 (9) Notwithstanding any other provision in this section, if  
23 the balance of the hazardous waste and liquid industrial waste  
24 users account created in section 11130(5), as of December 31 of  
25 any year, exceeds \$3,200,000.00, the department shall suspend the  
26 handler user charges until October of the following year.

27 (10) As used in this section:



1 (a) "Handler" means the person required to pay the handler  
2 user charge.

3 (b) "Handler user charge" means the annual hazardous waste  
4 management program user charge provided for in subsection (2).

5 Sec. 11507a. (1) The owner or operator of a landfill **OR**  
6 **MUNICIPAL SOLID WASTE INCINERATOR** shall annually submit a report  
7 to the state and the county and municipality in which the  
8 landfill **OR MUNICIPAL SOLID WASTE INCINERATOR** is located that  
9 contains information on the amount of solid waste received by the  
10 landfill **OR MUNICIPAL SOLID WASTE INCINERATOR** during the year  
11 itemized, to the extent possible, by county, state, or country of  
12 origin. ~~and~~ **THE OWNER OR OPERATOR OF A LANDFILL SHALL ALSO REPORT**  
13 the amount of remaining disposal capacity at the landfill.

14 Remaining disposal capacity shall be calculated as the permitted  
15 capacity less waste in place for any area that has been  
16 constructed and is not yet closed plus the permitted capacity for  
17 each area that has a permit for construction under this part but  
18 has not yet been constructed. The report shall be submitted on a  
19 form provided by the department within ~~45~~ **30** days following the  
20 end of each state fiscal year.

21 (2) By January 31 of each year, the department shall submit  
22 to the legislature a report summarizing the information obtained  
23 under subsection (1).

24 Sec. 11525. (1) The owner or operator of a landfill shall  
25 establish and maintain a perpetual care fund for a period of 30  
26 years after final closure of the landfill as specified in this  
27 section. A perpetual care fund may be established as a trust or

1 an escrow account and may be used to demonstrate financial  
2 assurance for type II landfills under section 11523 and section  
3 11523a.

4 (2) Except as otherwise provided in this section, the owner  
5 or operator of a landfill shall deposit into his or her perpetual  
6 care fund 75 cents for each ton or portion of a ton ~~or 25 cents~~  
7 ~~for each cubic yard or portion of a cubic yard~~ of solid waste  
8 that is disposed of in the landfill after June 17, 1990. The  
9 deposits shall be made not less than semiannually until the fund  
10 reaches the maximum required fund amount. As of July 1, 1996, the  
11 maximum required fund amount is \$1,156,000.00. This amount shall  
12 be annually adjusted for inflation and rounded to the nearest  
13 thousand. The department shall adjust the maximum required fund  
14 amount for inflation annually by multiplying the amount by an  
15 inflation factor derived from the most recent bureau of  
16 reclamation composite index published by the United States  
17 department of commerce or another index more representative of  
18 the costs of closure and postclosure monitoring and maintenance  
19 as determined appropriate by the department.

20 (3) The owner or operator of a landfill that is used for the  
21 disposal of the following materials shall deposit into the  
22 perpetual care fund 7.5 cents for each ton ~~or cubic yard~~ or  
23 ~~portion of a ton or cubic yard~~ of the following materials that  
24 are disposed of in the landfill after June 17, 1990:

25 (a) Coal ash, wood ash, or cement kiln dust that is disposed  
26 of in a landfill that is used only for the disposal of coal ash,  
27 wood ash, or cement kiln dust, or a combination of these

1 materials, or that is permanently segregated in a landfill.

2 (b) Wastewater treatment sludge or sediments from wood pulp  
3 or paper producing industries that is disposed of in a landfill  
4 that is used only for the disposal of wastewater treatment sludge  
5 and sediments from wood pulp or paper producing industries, or  
6 that is permanently segregated in a landfill.

7 (c) Foundry sand or other material that is approved by the  
8 department for use as daily cover at an operating landfill, that  
9 is disposed of in a landfill that is used only for the disposal  
10 of foundry sand, or that is permanently segregated in a landfill.

11 (4) The owner or operator of a landfill that is used only  
12 for the disposal of a mixture of 2 or more of the materials  
13 described in subsection (3)(a) to (c) or in which a mixture of 2  
14 or more of these materials are permanently segregated shall  
15 deposit into the perpetual care fund 7.5 cents for each ton ~~or~~  
16 ~~cubic yard~~ or portion of a ton ~~or cubic yard~~ of these materials  
17 that are disposed of in the landfill after July 1, 1996.

18 (5) Money is not required to be deposited into a perpetual  
19 care fund for materials that are regulated under part 631.

20 (6) The owner or operator of a landfill may contribute  
21 additional amounts into the perpetual care fund at his or her  
22 discretion.

23 (7) The custodian of a perpetual care fund shall be a bank  
24 or other financial institution that has the authority to act as a  
25 custodian and whose account operations are regulated and examined  
26 by a federal or state agency. Until the perpetual care fund  
27 reaches the maximum required fund amount, the custodian of a

1 perpetual care fund shall credit interest and earnings of the  
2 perpetual care fund to the perpetual care fund. However, upon the  
3 direction of the owner or operator, the custodian may utilize the  
4 interest and earnings of the perpetual care fund to pay the solid  
5 waste management program administration fee or the surcharge  
6 required by section 11525a for the landfill for which the  
7 perpetual care fund was established. After the perpetual care  
8 fund reaches the maximum required fund amount, interest and  
9 earnings shall be distributed as directed by the owner or  
10 operator. The agreement governing the operation of the perpetual  
11 care fund shall be executed on a form consistent with this part  
12 as prepared by the department. The custodian may be compensated  
13 from the fund for reasonable fees and costs incurred for his or  
14 her responsibilities as custodian. The custodian of a perpetual  
15 care fund shall annually make an accounting to the department  
16 within 30 days following the close of the state fiscal year.

17 (8) The custodian of a perpetual care fund shall not  
18 disburse any funds to the owner or operator of a landfill for the  
19 purposes of the perpetual care fund except upon the prior written  
20 approval of the department. However, the custodian shall ensure  
21 the filing of all required tax returns for which the perpetual  
22 care fund is liable and shall disburse funds to pay lawfully due  
23 taxes owed by the perpetual care fund without permission of the  
24 department, and may disburse interest and earnings of the  
25 perpetual care fund to pay the solid waste management program  
26 administration fee or the surcharge required by section 11525a as  
27 provided in subsection (7). The owner or operator of the landfill

1 shall provide notice of requests for disbursement and denials and  
2 approvals to the custodian of the perpetual care fund. Requests  
3 for disbursement from a perpetual care fund shall be submitted  
4 not more frequently than semiannually. The owner or operator of a  
5 landfill may request disbursement of funds from a perpetual care  
6 fund whenever the amount of money in the fund exceeds the maximum  
7 required fund amount. The department shall approve the  
8 disbursement provided the total amount of financial assurance  
9 maintained meets the requirements of sections 11523 and 11523a.

10 As used in this subsection, "maximum required fund amount" means:

11 (a) For those landfills containing only those materials  
12 specified in subsection (3), an amount equal to 1/2 of the  
13 maximum required fund amount specified in subsection (2).

14 (b) For all other landfills, an amount equal to the maximum  
15 required fund amount specified in subsection (2).

16 (9) If the owner or operator of a landfill refuses or fails  
17 to conduct closure, postclosure monitoring and maintenance, or  
18 corrective action as necessary to protect the public health,  
19 safety, or welfare, or the environment or fails to request the  
20 disbursement of money from a perpetual care fund when necessary  
21 to protect the public health, safety, or welfare, or the  
22 environment, or fails to pay the solid waste management program  
23 administration fee or the surcharge required under section  
24 11525a, then the department may require the disbursement of money  
25 from the perpetual care fund and may expend the money for  
26 closure, postclosure monitoring and maintenance, and corrective  
27 action, as necessary. The department may assess a perpetual care

1 fund for administrative costs associated with actions taken under  
2 this subsection.

3 (10) Upon approval by the department of a request to  
4 terminate financial assurance for a landfill under section  
5 11525b, any money in the perpetual care fund for that landfill  
6 shall be disbursed by the custodian to the owner of the landfill  
7 unless a contract between the owner and the operator of the  
8 landfill provides otherwise.

9 (11) The owner of a landfill shall provide notice to the  
10 custodian of the perpetual care fund for that landfill if there  
11 is a change of ownership of the landfill. The custodian shall  
12 maintain records of ownership of a landfill during the time in  
13 which a perpetual care fund is established.

14 (12) This section does not relieve an owner or operator of a  
15 landfill of any liability that he or she may have under this part  
16 or as otherwise provided by law.

17 (13) This section does not create a cause of action at law  
18 or in equity against a custodian of a perpetual care fund other  
19 than for errors or omissions related to investments, accountings,  
20 disbursements, filings of required tax returns, and maintenance  
21 of records required by this section or the applicable perpetual  
22 care fund.

23 (14) As used in this section, "custodian" means the trustee  
24 or escrow agent of a perpetual care fund.

25 Sec. 11525a. ~~(1) Until October 1, 2003, a solid waste~~  
26 ~~program administration fee is imposed upon the owners or~~  
27 ~~operators of landfills in the state. The annual cumulative total~~

~~amount of this fee shall be \$1,040,000.00 as this amount is annually adjusted for inflation beginning in 1997 using the Detroit consumer price index. As used in this section, "Detroit consumer price index" means the most comprehensive index of consumer prices available for the Detroit area from the United States department of labor, bureau of labor statistics.~~

~~—— (2) The department shall apportion the cumulative solid waste program administration fee among the operating landfills in the state. The apportionment shall be made on the basis of each landfill's pro rata share of the cumulative total of amounts maintained in individual perpetual care funds in the state.~~

~~—— (3) By November 1, 2003, the owner or operator of a landfill shall report to the department the total amount of assets in its perpetual care fund. The department shall determine the cumulative total amount of perpetual care funds in the state but shall not credit any individual landfill more than the maximum required fund amount established in section 11525(2). The department shall determine each landfill's pro rata share of perpetual care fund contributions using this amount.~~

~~—— (4) By December 1, 2003, the department shall notify the owner or operator of each landfill of its assessed share of the solid waste program administration fee. By January 1, 2004, the owner or operator of a landfill shall pay his or her assessed share of the solid waste program administration fee.~~

~~—— (5) Solid waste program administration fees collected under this section shall be forwarded to the state treasurer for deposit in the solid waste staff account of the solid waste~~

1 ~~management fund established in section 11550.~~

2 (1) ~~(6)~~ Beginning January 1, 2004, and until October 1,  
3 2007, the owner or operator of a landfill, **AND BEGINNING OCTOBER**  
4 **1, 2007 AND UNTIL SEPTEMBER 30, 2008, THE OWNER OR OPERATOR OF A**  
5 **LANDFILL OR MUNICIPAL SOLID WASTE INCINERATOR,** shall pay a  
6 surcharge as follows:

7 (a) Except as provided in subdivision (b), ~~7~~**21** cents for  
8 each ~~cubic yard~~**-TON** or portion of a ~~cubic yard~~**-TON** of solid waste  
9 or municipal solid waste incinerator ash that is disposed of in  
10 the landfill during the previous quarter of the state fiscal  
11 year.

12 (b) For type III landfills that are captive facilities, the  
13 following annual amounts:

14 (i) For a captive facility that receives 100,000 or more  
15 ~~cubic yards~~**-TONS** of waste, \$3,000.00.

16 (ii) For a captive facility that receives 75,000 or more but  
17 less than 100,000 ~~cubic yards~~**-TONS** of waste, \$2,500.00.

18 (iii) For a captive facility that receives 50,000 or more but  
19 less than 75,000 ~~cubic yards~~**-TONS** of waste, \$2,000.00.

20 (iv) For a captive facility that receives 25,000 or more but  
21 less than 50,000 ~~cubic yards~~**-TONS** of waste, \$1,000.00.

22 (v) For a captive facility that receives less than 25,000  
23 ~~cubic yards~~**-TONS** of waste, \$500.00.

24 (2) **BEGINNING OCTOBER 1, 2008 AND UNTIL OCTOBER 1, 2012, THE**  
25 **SURCHARGE IS AS FOLLOWS:**

26 (A) **EXCEPT AS PROVIDED IN SUBDIVISION (B):**

27 (i) **FROM OCTOBER 1, 2008 UNTIL SEPTEMBER 30, 2009, 24 CENTS**



1 FOR EACH TON OR PORTION OF A TON OF SOLID WASTE OR MUNICIPAL  
2 SOLID WASTE INCINERATOR ASH THAT IS DISPOSED OF IN THE LANDFILL  
3 OR AT THE MUNICIPAL SOLID WASTE INCINERATOR.

4 (ii) FROM OCTOBER 1, 2009 UNTIL SEPTEMBER 30, 2010, 27 CENTS  
5 FOR EACH TON OR PORTION OF A TON OF SOLID WASTE OR MUNICIPAL  
6 SOLID WASTE INCINERATOR ASH THAT IS DISPOSED OF IN THE LANDFILL  
7 OR AT THE MUNICIPAL SOLID WASTE INCINERATOR.

8 (iii) FROM OCTOBER 1, 2010 UNTIL OCTOBER 1, 2012, 30 CENTS FOR  
9 EACH TON OR PORTION OF A TON OF SOLID WASTE OR MUNICIPAL SOLID  
10 WASTE INCINERATOR ASH THAT IS DISPOSED OF IN THE LANDFILL OR AT  
11 THE MUNICIPAL SOLID WASTE INCINERATOR.

12 (B) FOR TYPE III LANDFILLS THAT ARE CAPTIVE FACILITIES, THE  
13 FOLLOWING ANNUAL AMOUNTS:

14 (i) FOR A CAPTIVE FACILITY THAT RECEIVES 100,000 OR MORE TONS  
15 OF WASTE, \$4,500.00.

16 (ii) FOR A CAPTIVE FACILITY THAT RECEIVES 75,000 OR MORE BUT  
17 LESS THAN 100,000 TONS OF WASTE, \$3,500.00.

18 (iii) FOR A CAPTIVE FACILITY THAT RECEIVES 50,000 OR MORE BUT  
19 LESS THAN 75,000 TONS OF WASTE, \$3,000.00.

20 (iv) FOR A CAPTIVE FACILITY THAT RECEIVES 25,000 OR MORE BUT  
21 LESS THAN 50,000 TONS OF WASTE, \$1,500.00.

22 (v) FOR A CAPTIVE FACILITY THAT RECEIVES LESS THAN 25,000  
23 TONS OF WASTE, \$800.00.

24 (3) ~~(7)~~—The owner or operator of a landfill or municipal  
25 solid waste incinerator shall pay the surcharge under subsection  
26 ~~(6)(a)~~—(1) (A) OR (2) (A) within 30 days after the end of each  
27 quarter of the state fiscal year. The owner or operator of a type

1 III landfill that is a captive facility shall pay the surcharge  
2 under subsection ~~(6)(b)~~ **(1) (B) OR (2) (B)** by January 31 of each  
3 year.

4 **(4)** ~~(8)~~—The owner or operator of a landfill or municipal  
5 solid waste incinerator who is required to pay the surcharge  
6 under subsection ~~(6)~~ **may (1) OR (2) SHALL** pass through and  
7 collect the surcharge from any person who generated the solid  
8 waste or who arranged for its delivery to the solid waste hauler  
9 or transfer facility notwithstanding the provisions of any  
10 contract or agreement to the contrary or the absence of any  
11 contract or agreement.

12 **(5)** ~~(9)~~—Surcharges collected under this section shall be  
13 forwarded to the state treasurer for deposit in the solid waste  
14 staff account of the solid waste management fund established in  
15 section 11550.

16 **(6)** ~~(10)~~—As used in this section, "captive facility" means a  
17 landfill that accepts for disposal only nonhazardous industrial  
18 waste generated only by the owner of the landfill or a  
19 nonhazardous industrial waste landfill that is specified in  
20 section 11525(3).

21 Sec. 12103. (1) A generator shall do all of the following:

22 (a) Characterize the waste in accordance with the  
23 requirements of part 111, and rules promulgated under that part,  
24 and maintain records of the characterization.

25 (b) Obtain and utilize a site identification number assigned  
26 by the United States environmental protection agency or the  
27 department. Beginning on October 1, ~~2002~~ **2007** and until March 31,

1 ~~2008-2012~~, the department shall assess a site identification  
2 number user charge of ~~\$50.00~~ **\$100.00** for each site identification  
3 number it issues. The department shall not issue a site  
4 identification number under this subdivision unless the site  
5 identification number user charge and the tax identification  
6 number for the person applying for the site identification number  
7 have been received. Money collected under this subdivision shall  
8 be forwarded to the state treasurer for deposit into the  
9 environmental pollution prevention fund created in section 11130  
10 and credited to the hazardous waste and liquid industrial waste  
11 users account created in section 11130(5).

12 (c) If transporting by highway, engage, employ, or contract  
13 for the transportation of liquid industrial waste only with a  
14 transporter registered and permitted under the hazardous  
15 materials transportation act.

16 (d) Except as otherwise provided in this part, utilize and  
17 retain a separate manifest for each shipment of liquid industrial  
18 waste transported to a designated facility. The department may  
19 authorize the use of a consolidated manifest, for waste loads  
20 that are multiple pickups of uniform types of wastes that  
21 constitute a single shipment of waste. In this case, a receipt  
22 shall be obtained from the transporter documenting the  
23 transporter's company name, driver's signature, date of pickup,  
24 type and quantity of waste accepted from the generator, the  
25 consolidated manifest number, and the designated facility. A  
26 generator of brine may complete a single manifest per transporter  
27 of brine, per disposal well, each month.

1 (e) Submit a copy of the manifest to the department by the  
2 tenth day after the end of the month in which a load of waste is  
3 transported.

4 (f) Certify that at the time the transporter picks up liquid  
5 industrial waste the information contained on the manifest is  
6 factual by signing the manifest. This certification is to be by  
7 the generator or his or her authorized representative.

8 (g) Provide to the transporter the signed copies of the  
9 manifest to accompany the liquid industrial waste to the  
10 designated facility.

11 (h) If a copy of the manifest, with a handwritten signature  
12 of the owner or operator of the designated facility, is not  
13 received within 35 days after the date the waste was accepted by  
14 the initial transporter, contact the transporter or owner or  
15 operator of the designated facility, or both, to determine the  
16 status of the waste.

17 (i) Submit an exception report to the department if a copy  
18 of the manifest is not received with the handwritten signature of  
19 the owner or operator or his or her authorized representative of  
20 the designated facility within 45 days after the date the waste  
21 was accepted by the initial transporter. The exception report  
22 shall include both of the following:

23 (i) A legible copy of the manifest for which the generator  
24 does not have confirmation of delivery.

25 (ii) A cover letter signed by the generator explaining the  
26 efforts taken to locate the waste and the results of those  
27 efforts.

1           (2) A generator who also operates an on-site reclamation,  
2 treatment, or disposal facility shall keep records of all liquid  
3 waste produced and reclaimed, treated, or disposed of at his or  
4 her facility.

5           (3) A generator shall retain all records required pursuant  
6 to this part for ~~a period of~~ at least 3 years, and shall make  
7 those records readily available for review and inspection by the  
8 department or a peace officer. The retention period required by  
9 this subsection is automatically extended during the course of  
10 any unresolved enforcement action regarding the regulated  
11 activity or as otherwise required by the department.

12           (4) A generator transporting its own waste in quantities of  
13 55 gallons or less is not subject to manifest requirements if all  
14 of the following conditions are met:

15           (a) The waste is accompanied by a record showing the source  
16 and quantity of the waste and the designated facility where the  
17 waste is being transported.

18           (b) The generator obtains a signature from the designated  
19 facility acknowledging receipt of the waste and provides a copy  
20 of the record of shipment to the designated facility.

21           (c) The generator retains a copy of the record of shipment  
22 as part of the generator records.

23           (d) The designated facility is managed in accordance with  
24 this part.

25           Sec. 12109. (1) A liquid industrial waste transporter shall  
26 certify acceptance of waste for transportation by completing the  
27 transporter section of the manifest, and shall deliver the liquid

1 industrial waste and accompanying manifest only to the designated  
2 facility specified by the generator on the manifest.

3 (2) The liquid industrial waste transporter shall retain all  
4 records required pursuant to this part for ~~a period of~~ at least 3  
5 years, and shall make those records readily available for review  
6 and inspection by the department or a peace officer. The  
7 retention period required in this subsection is automatically  
8 extended during the course of any unresolved enforcement action  
9 regarding an activity regulated under this part or as required by  
10 the department.

11 (3) The department may authorize, for certain waste streams,  
12 the use of a consolidated manifest as authorized under section  
13 12103(1)(d). In this case, the transporter shall give to the  
14 generator a receipt documenting the transporter's company name,  
15 driver's signature, date of pickup, type and quantity of waste  
16 removed, the consolidated manifest number, and the designated  
17 facility.

18 (4) A transporter shall maintain a trip log for consolidated  
19 manifest shipments and for brine shipments. The transporter shall  
20 do all of the following:

21 (a) Identify on the trip log the consolidated manifest  
22 number, the generator, date of pickup, type and quantity of  
23 waste, and the designated facility location for each shipment of  
24 waste.

25 (b) Keep a copy of all trip logs available during  
26 transportation, at a minimum, for the current shipment in  
27 transportation and retain these records as specified in

1 subsection (2).

2 (c) Obtain and utilize a site identification number assigned  
3 by the United States environmental protection agency or the  
4 department. Beginning on October 1, ~~2002~~2007 and until March 31,  
5 ~~2008~~2012, the department shall assess a site identification  
6 number user charge of ~~\$50.00~~\$100.00 for each site identification  
7 number it issues. The department shall not issue a site  
8 identification number under this subdivision unless the site  
9 identification number user charge and the tax identification  
10 number for the person applying for the site identification number  
11 have been received. Money collected under this subdivision shall  
12 be forwarded to the state treasurer for deposit into the  
13 environmental pollution prevention fund created in section 11130  
14 and credited to the hazardous waste and liquid industrial waste  
15 users account created in section 11130(5).

16 Sec. 12112. (1) The owner or operator of a facility that  
17 accepts liquid industrial waste shall accept delivery of waste at  
18 the designated facility only if delivery is accompanied by a  
19 manifest or consolidated manifest properly certified by the  
20 generator and the transporter and the facility is the destination  
21 indicated on the manifest. The facility owner or operator shall  
22 do all of the following:

23 (a) Obtain and utilize a site identification number either  
24 assigned from the United States environmental protection agency  
25 or the department. Beginning on October 1, ~~2002~~2007 and until  
26 March 31, ~~2008~~2012, the department shall assess a site  
27 identification number user charge of ~~\$50.00~~\$100.00 for each site

1 identification number it issues. The department shall not issue a  
2 site identification number under this subdivision unless the site  
3 identification number user charge and the tax identification  
4 number for the person applying for the site identification number  
5 have been received. Money collected under this subdivision shall  
6 be forwarded to the state treasurer for deposit into the  
7 environmental pollution prevention fund created in section 11130  
8 and credited to the hazardous waste and liquid industrial waste  
9 users account created in section 11130(5).

10 (b) Certify on the manifest receipt of the liquid industrial  
11 waste by completing the facility section of the manifest and  
12 returning a signed copy of the manifest to the department within  
13 a period of 10 days after the end of the month for all liquid  
14 industrial waste received within the month.

15 (c) Return a signed copy of the manifest to the generator.

16 (d) Maintain records of the characterization of the waste.  
17 Characterization shall be in accordance with the requirements of  
18 part 111.

19 (2) All storage, treatment, and reclamation of liquid  
20 industrial waste at the designated facility shall be in either  
21 containers or tanks or as otherwise specified in section 12113(5)  
22 or (6). Storage, treatment, or reclamation regulated under part  
23 615 or the rules, orders, or instructions under part 615, or  
24 under part C of title XIV of the public health service act,  
25 ~~chapter 373, 88 Stat. 1674, 42 U.S.C. USC~~ 300h to 300h-8, or the  
26 regulations promulgated under that act are exempt from this  
27 subsection.



1           (3) The owner or operator of a designated facility shall  
2 retain all records required pursuant to this part for ~~a period of~~  
3 at least 3 years and shall make those records readily available  
4 for review and inspection by the department or a peace officer.  
5 The retention period required by this subsection is automatically  
6 extended during the course of any unresolved enforcement action  
7 regarding the regulated activity or as required by the  
8 department.

9           Sec. 14301. As used in this part:

10           (a) "Department" means the department of environmental  
11 quality.

12           (b) "Environmental wastes" means all environmental  
13 pollutants, wastes, discharges, and emissions, regardless of how  
14 they are regulated and regardless of whether they are released to  
15 the general environment or the workplace environment.

16           (c) **"ESTABLISHMENT" MEANS AN ECONOMIC UNIT, GENERALLY AT A**  
17 **SINGLE PHYSICAL LOCATION WHERE BUSINESS IS CONDUCTED OR WHERE**  
18 **SERVICES OR INDUSTRIAL OPERATIONS ARE PERFORMED.**

19           (d) **"FACILITIES" MEANS ALL BUILDINGS, EQUIPMENT, STRUCTURES,**  
20 **AND OTHER STATIONARY ITEMS THAT ARE LOCATED ON A SINGLE SITE OR**  
21 **ON CONTIGUOUS OR ADJACENT SITES AND THAT ARE OWNED OR OPERATED BY**  
22 **THE SAME PERSON OR BY ANY PERSON THAT CONTROLS, IS CONTROLLED BY,**  
23 **OR IS UNDER COMMON CONTROL WITH THAT PERSON. A FACILITY MAY**  
24 **CONTAIN MORE THAN 1 ESTABLISHMENT.**

25           (e) ~~(e)~~ "Pollution prevention" means all of the following:

26           (i) "Source reduction" as defined in the pollution prevention  
27 act of 1990, ~~subtitle C of title VI of the omnibus budget~~

~~reconciliation act of 1990, Public Law 101-508, 42 U.S.C. USC~~  
13101 to 13109.

(ii) "Pollution prevention" as described in the United States  
environmental protection agency's pollution prevention statement  
dated June 15, 1993.

(iii) Environmentally sound on-site or off-site reuse or  
recycling.

(F) "POLLUTION PREVENTION PROGRAM FEE" MEANS THE FEE IMPOSED  
ON PERSONS AND FACILITIES UNDER SECTION 14307.

(G) "TOXIC CHEMICAL" MEANS A CHEMICAL OR CHEMICAL CATEGORY  
LISTED IN 40 CFR 372.65.

SEC. 14307. (1) BEGINNING ON JANUARY 1, 2008, A POLLUTION  
PREVENTION PROGRAM FEE IS IMPOSED ON ALL PERSONS REQUIRED UNDER  
SECTION 313 OF SUBTITLE B OF THE EMERGENCY PLANNING AND COMMUNITY  
RIGHT-TO-KNOW ACT OF 1986, 42 USC 11023, TO SUBMIT A TOXIC  
CHEMICAL RELEASE FORM TO THE DEPARTMENT AND THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY, AS FOLLOWS:

(A) A FEE OF \$1,000.00 FOR FACILITIES OR ESTABLISHMENTS THAT  
REPORTED LESS THAN 25,000 POUNDS OF TOXIC CHEMICALS RELEASED,  
DISPOSED OF, AND TREATED.

(B) A FEE AT A RATE OF 4 CENTS PER POUND FOR FACILITIES OR  
ESTABLISHMENTS THAT REPORTED 25,000 POUNDS OR MORE OF TOXIC  
CHEMICALS RELEASED, DISPOSED OF, AND TREATED. HOWEVER, THE TOTAL  
FEES UNDER THIS SUBDIVISION SHALL NOT EXCEED \$10,000.00 PER  
FACILITY OR ESTABLISHMENT.

(C) A FEE OF \$1,000.00 FOR FACILITIES OR ESTABLISHMENTS THAT  
ARE NOT COVERED BY SUBDIVISION (A) OR (B).

1           (2) FEES REQUIRED UNDER THIS SECTION SHALL BE BASED ON THE  
2 MOST RECENT TOXIC CHEMICAL RELEASE FORM RECEIVED BY THE  
3 DEPARTMENT AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.  
4 THE FEES SHALL BE PAID TO THE DEPARTMENT ANNUALLY BY JULY 1,  
5 REGARDLESS OF CHANGES IN THE REPORTING FREQUENCY IN 42 USC 11023.

6           (3) THE FEES COLLECTED UNDER THIS SECTION SHALL BE FORWARDED  
7 TO THE STATE TREASURER AND DEPOSITED IN THE WASTE REDUCTION FUND  
8 CREATED IN SECTION 11108.

9           (4) A FACILITY OR ESTABLISHMENT THAT SUBMITS A REVISION IN  
10 ITS TOXIC CHEMICAL RELEASE INVENTORY FORM TO THE DEPARTMENT AND  
11 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY THAT INDICATES A  
12 DECREASE IN THE REPORTED AMOUNT OF TOXIC POLLUTANT RELEASED,  
13 DISPOSED OF, AND TREATED IS ELIGIBLE FOR A CREDIT TOWARD FUTURE  
14 FEES IN ACCORDANCE WITH SUBSECTION (1) IF THE FACILITY OR  
15 ESTABLISHMENT FILES A REQUEST FOR A CREDIT WITH THE DEPARTMENT  
16 WITHIN 12 MONTHS OF WHEN THE FEES WERE PAID.

17           (5) A FACILITY OR ESTABLISHMENT THAT SUBMITS A REVISION IN  
18 ITS TOXIC CHEMICAL RELEASE INVENTORY FORM TO THE DEPARTMENT AND  
19 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY THAT INDICATES AN  
20 INCREASE IN THE AMOUNT OF TOXIC POLLUTANT RELEASED, DISPOSED OF,  
21 AND TREATED SUCH THAT IT INCREASES THE FEES IN ACCORDANCE WITH  
22 SUBSECTION (1) SHALL SUBMIT THE ADDITIONAL AMOUNT DUE TO THE  
23 DEPARTMENT NO LATER THAN 60 DAYS AFTER THE REVISION IS SUBMITTED.

24           Sec. 30104. (1) A person shall not undertake a project  
25 subject to this part except as authorized by a permit issued by  
26 the department pursuant to part 13. An application for a permit  
27 shall include any information that may be required by the

1 department. If a project includes activities at multiple  
2 locations, 1 application may be filed for the combined  
3 activities.

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

8 (a) For a minor project listed in R 281.816 of the Michigan  
9 administrative code, or a seasonal drawdown or the associated  
10 reflooding, or both, of a dam or impoundment for the purpose of  
11 weed control, a fee of ~~\$50.00~~ **\$250.00**. However, for a permit for  
12 a seasonal drawdown or associated reflooding, or both, of a dam  
13 or impoundment for the purpose of weed control that is issued for  
14 the first time after October 9, 1995, an initial fee of ~~\$500.00~~  
15 **\$1,750.00** with subsequent permits for the same purpose being  
16 assessed a ~~\$50.00~~ **\$450.00** fee.

17 (b) For authorization under a general permit, a ~~\$50.00~~  
18 **\$150.00** fee.

19 (c) For construction or expansion of a marina, a fee of:

20 (i) ~~\$50.00~~ **\$175.00** for an expansion of 1-10 slips to an  
21 existing permitted marina.

22 (ii) ~~\$100.00~~ **\$350.00** for a new marina with 1-10 proposed  
23 marina slips.

24 (iii) ~~\$250.00~~ **\$875.00** for an expansion of 11-50 slips to an  
25 existing permitted marina, plus ~~\$10.00~~ **\$35.00** for each slip over  
26 50.

27 (iv) ~~\$500.00~~ **\$1,750.00** for a new marina with 11-50 proposed

1 marina slips, plus ~~\$10.00~~ **\$35.00** for each slip over 50.

2 (v) ~~\$1,500.00~~ **\$5,250.00** if an existing permitted marina  
3 proposes maintenance dredging of 10,000 cubic yards or more or  
4 the addition of seawalls, bulkheads, or revetments of 500 feet or  
5 more.

6 (vi) **\$500.00 TO RECONFIGURE A MARINA WITHIN ITS EXISTING**  
7 **FOOTPRINT.**

8 (vii) ~~(d) For renewal of~~ **TO MAINTAIN** a marina operating  
9 permit, a ~~AN ANNUAL~~ fee of ~~\$50.00~~ **\$13.50 FOR EACH SLIP SHALL BE**  
10 **SUBMITTED TO THE DEPARTMENT BY FEBRUARY 1 EACH YEAR. FOR FEE**  
11 **ASSESSMENT PURPOSES, EVERY 40 FEET OF BROADSIDE DOCKAGE SHALL**  
12 **CONSTITUTE 1 SLIP. THE DEPARTMENT MAY ISSUE A MARINA OPERATING**  
13 **PERMIT FOR A PERIOD OF UP TO 5 YEARS.**

14 (D) **ECOLOGICAL RESTORATIONS BY STATE, FEDERAL, OR NONPROFIT**  
15 **CONSERVATION AGENCIES OR ORGANIZATIONS, A FEE OF \$500.00.**

16 (e) For major projects other than a project described in  
17 subdivision (c) (v), involving any of the following, a fee of  
18 ~~\$2,000.00~~ **\$7,000.00:**

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

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

21 (iii) Seawalls, bulkheads, or revetments of 500 feet or more.

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

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

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

1 (vii) New commercial docks or wharves of 300 feet or more in  
2 length.

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

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

5 ~~(x) New golf courses.~~

6 ~~(xi) Subdivisions.~~

7 ~~(xii) Condominiums.~~

8 (f) For all other projects not listed in subdivisions (a)  
9 through (e), a fee of ~~\$500.00~~ \$1,750.00.

10 (G) A REQUEST FOR A MINOR REVISION TO A PERMIT OR TO  
11 TRANSFER A PERMIT TO A NEW OWNER SHALL BE ACCOMPANIED BY A FEE OF  
12 \$250.00.

13 (H) A REQUEST FOR EXTENSION OF A PERMIT SHALL BE ACCOMPANIED  
14 BY A FEE OF \$150.00. AN EXPIRED PERMIT SHALL NOT BE EXTENDED NOR  
15 SHALL A PERMIT BE EXTENDED BEYOND 5 YEARS FROM THE DATE OF  
16 INITIAL ISSUANCE.

17 (3) THE DEPARTMENT SHALL WAIVE THE ANNUAL SLIP FEE UNDER  
18 SUBSECTION (2) (C) FOR THE FIRST YEAR OF OPERATION AFTER NEW SLIPS  
19 ARE CONSTRUCTED. HOWEVER, IF A MARINA IS OPERATING WITHOUT A  
20 MARINA OPERATING PERMIT AFTER JANUARY 1, 2009 AND THE DEPARTMENT  
21 DETERMINES THAT A MARINA CAN BE AUTHORIZED, THE SLIP FEE SHALL BE  
22 2 TIMES THE ESTABLISHED FEE FOR THE FIRST YEAR OF OPERATION.

23 (4) THE DEPARTMENT SHALL ADJUST THE FEES UNDER THIS SECTION  
24 IN 2010 AND EVERY FIFTH YEAR THEREAFTER BY AN AMOUNT DETERMINED  
25 BY THE STATE TREASURER TO REFLECT THE CUMULATIVE ANNUAL  
26 PERCENTAGE CHANGE IN THE DETROIT CONSUMER PRICE INDEX, ROUNDED TO  
27 THE NEAREST DOLLAR.

1       (5) ~~(3)~~—A project that requires review and approval under  
2 this part and 1 or more of the following acts or parts of acts is  
3 subject to only the single highest permit fee required under this  
4 part or the following acts or parts of acts:

5       (a) Part 303.

6       (b) Part 323.

7       (c) Part 325.

8       (d) Section 3104.

9       (e) Section 117 of the land division act, 1967 PA 288, MCL  
10 560.117.

11       (6) ~~(4)~~—If work has been done ~~in violation of a permit~~  
12 ~~requirement~~ **WITHOUT FIRST OBTAINING A REQUIRED PERMIT** under this  
13 part and restoration is not ordered by the department, the  
14 department may accept an application for a permit if the  
15 application is accompanied by a fee equal to 2 times the permit  
16 fee required under this section.

17       Sec. 30109. Upon the written request of a riparian owner and  
18 upon payment of a service fee, the department may enter into a  
19 written agreement with a riparian owner establishing the location  
20 of the ordinary high-water mark for his or her property. In the  
21 absence of substantially changed conditions, the agreement shall  
22 be conclusive proof of the location in all matters between the  
23 state and the riparian owner and his or her successors in  
24 interest. ~~Until October 1, 2008, the~~ **THE** service fee provided for  
25 in this section shall be ~~\$500.00~~ **\$1,750.00**. The department shall  
26 forward all service fees to the state treasurer for deposit into  
27 the fund.

1       Sec. 30112. (1) The department may commence a civil action  
2 in the circuit court of the county in which a violation occurs to  
3 enforce compliance with this part, to restrain violation of this  
4 part or any action contrary to an order of the department denying  
5 a permit, to enjoin the further performance of, or order the  
6 removal of, any project that is undertaken contrary to this part  
7 or after denial of a permit by the department, or to order the  
8 restoration of the affected area to its prior condition.

9       (2) In a civil action commenced under this part, the circuit  
10 court, in addition to any other relief granted, may assess a  
11 civil fine of not more than ~~\$5,000.00~~ **\$10,000.00** per day for each  
12 day of violation.

13       (3) Except as provided in subsection (4), a person who  
14 violates this part or a permit issued under this part is guilty  
15 of a misdemeanor, punishable by a fine of not more than  
16 ~~\$10,000.00~~ **\$20,000.00** per day for each day of violation.

17       (4) A person who commits a minor offense is guilty of a  
18 misdemeanor, punishable by a fine of not more than ~~\$500.00~~  
19 **\$1,000.00** for each violation. A law enforcement officer may issue  
20 and serve an appearance ticket upon a person for a minor offense  
21 pursuant to sections ~~9a-9C~~ to 9g of chapter IV of the code of  
22 criminal procedure, ~~Act No. 175 of the Public Acts of 1927, being~~  
23 ~~sections 764.9a to 764.9g of the Michigan Compiled Laws 1927 PA~~  
24 **175, MCL 764.9C TO 764.9G.**

25       (5) A person who knowingly makes a false statement,  
26 representation, or certification in an application for a permit  
27 or in a notice or report required by a permit, or a person who



1 knowingly renders inaccurate any monitoring device or method  
2 required to be maintained by a permit, is guilty of a  
3 misdemeanor, punishable by a fine of not more than ~~\$10,000.00~~  
4 **\$20,000.00** per day for each day of violation.

5 (6) Any civil penalty assessed, sought, or agreed to by the  
6 department shall be appropriate to the violation.

7 Sec. 30306. (1) Except as provided in section 30307(6), to  
8 obtain a permit for a use or development listed in section 30304,  
9 a person shall file an application with the department on a form  
10 provided by the department. The application shall include all of  
11 the following:

12 (a) The person's name and address.

13 (b) The location of the wetland.

14 (c) A description of the wetland on which the use or  
15 development is to be made.

16 (d) A statement and appropriate drawings describing the  
17 proposed use or development.

18 (e) The wetland owner's name and address.

19 (f) An environmental assessment of the proposed use or  
20 development if requested by the department, which assessment  
21 shall include the effects upon wetland benefits and the effects  
22 upon the water quality, flow, and levels, and the wildlife, fish,  
23 and vegetation within a contiguous lake, river, or stream.

24 (2) For the purposes of subsection (1), a proposed use or  
25 development of a wetland shall be considered as a single permit  
26 application under this part if the scope, extent, and purpose of  
27 a use or development are made known at the time of the

1 application for the permit.

2 (3) Except as provided in subsections (4) and (5), an  
3 application for a permit submitted under subsection (1) shall be  
4 accompanied by the following fee:

5 (a) For a project in a category of activities for which a  
6 general permit is issued under section 30312, a fee of ~~\$100.00~~  
7 **\$150.00.**

8 ~~—— (b) For a permit for the removal of vegetation in an area~~  
9 ~~that is not more than 100 feet wide or the width of the property,~~  
10 ~~whichever is less, or the mowing of vegetation in excess of what~~  
11 ~~is allowed in section 30305(2)(p)(ii), in the area between the~~  
12 ~~ordinary high water mark and the water's edge, a fee of \$50.00.~~

13 ~~—— (c) For a major project, including any of the following, a~~  
14 ~~fee of \$2,000.00.~~

15 ~~—— (i) Filling or draining of 1 acre or more of coastal or~~  
16 ~~inland wetland.~~

17 ~~—— (ii) 10,000 cubic yards or more of wetland fill.~~

18 ~~—— (iii) A new golf course impacting wetland.~~

19 ~~—— (iv) A subdivision impacting wetland.~~

20 ~~—— (v) A condominium impacting wetland.~~

21 **(B) FOR THE REMOVAL OF VEGETATION ON GREAT LAKES BOTTOMLAND**  
22 **LYING BELOW THE ORDINARY HIGH-WATER MARK AS DEFINED IN SECTION**  
23 **32502 AND ABOVE THE WATER'S EDGE, THE FOLLOWING:**

24 **(i) FOR LESS THAN 50 FEET OF REMOVAL ALONG THE WIDTH OF THE**  
25 **PROPERTY, A FEE OF \$250.00.**

26 **(ii) FOR 50 TO 100 FEET OF REMOVAL ALONG THE WIDTH OF THE**  
27 **PROPERTY, A FEE OF \$500.00.**

1           (iii) FOR MORE THAN 100 FEET OF REMOVAL ALONG THE WIDTH OF THE  
2 PROPERTY, A FEE OF \$1,200.00.

3           (C) FOR A MINOR PROJECT CATEGORY AS DEFINED BY RULE, A FEE  
4 OF \$250.00.

5           (D) FOR ECOLOGICAL RESTORATION FOR STATE, FEDERAL, AND  
6 NONPROFIT CONSERVATION AGENCIES OR ORGANIZATIONS, A FEE OF  
7 \$500.00.

8           (E) FOR PROPOSED WETLAND IMPACTS UP TO 1/5 ACRE, A FEE OF  
9 \$1,000.00.

10          (F) FOR PROPOSED WETLAND IMPACTS FROM 1/5 ACRE UP TO 1/3  
11 ACRE, A FEE OF \$2,000.00.

12          (G) FOR PROPOSED WETLAND IMPACTS FROM 1/3 ACRE UP TO 1 ACRE,  
13 A FEE OF \$5,000.00. FOR PROPOSED WETLAND IMPACTS OVER 1 ACRE, AN  
14 ADDITIONAL FEE FOR EACH ADDITIONAL 1/2 ACRE OR FRACTION THEREOF  
15 OVER THE FIRST ACRE OF \$2,500.00 NOT TO EXCEED A TOTAL  
16 APPLICATION FEE OF \$25,000.00.

17          (H) ~~(d)~~ For all other projects, a fee of ~~\$500.00~~ \$1,750.00.

18          (4) A REQUEST FOR EXTENSION OF A PERMIT SHALL BE ACCOMPANIED  
19 BY A FEE OF \$150.00. AN EXPIRED PERMIT SHALL NOT BE EXTENDED NOR  
20 SHALL A PERMIT BE EXTENDED BEYOND 5 YEARS FROM THE DATE OF  
21 INITIAL ISSUANCE.

22          (5) THE DEPARTMENT SHALL ADJUST THE FEES UNDER THIS SECTION  
23 IN 2010 AND EVERY FIFTH YEAR THEREAFTER BY AN AMOUNT DETERMINED  
24 BY THE STATE TREASURER TO REFLECT THE CUMULATIVE ANNUAL  
25 PERCENTAGE CHANGE IN THE DETROIT CONSUMER PRICE INDEX, ROUNDED TO  
26 THE NEAREST DOLLAR.

27          (6) ~~(4)~~ A project that requires review and approval under

1 this part and 1 or more of the following is subject to only the  
2 single highest permit fee required under this part or the  
3 following:

4 (a) Section 3104.

5 (b) Part 301.

6 (c) Part 323.

7 (d) Part 325.

8 (e) Section 117 of the land division act, 1967 PA 288, MCL  
9 560.117.

10 (7) ~~(5)~~—If work has been done in violation of a permit  
11 requirement under this part and restoration is not ordered by the  
12 department, the department may accept an application for a permit  
13 if the application is accompanied by a fee equal to twice the  
14 permit fee required under this section.

15 (8) ~~(6)~~—If the department determines that a permit is not  
16 required under this part, the department shall promptly refund  
17 the fee paid under this section.

18 Sec. 30316. (1) The attorney general may commence a civil  
19 action for appropriate relief, including injunctive relief upon  
20 request of the department under section 30315(1). An action under  
21 this subsection may be brought in the circuit court for the  
22 county of Ingham or for a county in which the defendant is  
23 located, resides, or is doing business. The court has  
24 jurisdiction to restrain the violation and to require compliance  
25 with this part. In addition to any other relief granted under  
26 this section, the court may impose a civil fine of not more than  
27 ~~\$10,000.00~~ **\$20,000.00** per day of violation. A person who violates

1 an order of the court is subject to a civil fine not to exceed  
2 ~~\$10,000.00~~ **\$20,000.00** for each day of violation.

3 (2) A person who violates this part is guilty of a  
4 misdemeanor, punishable by a fine of not more than ~~\$2,500.00~~  
5 **\$5,000.00**.

6 (3) A person who willfully or recklessly violates a  
7 condition or limitation in a permit issued by the department  
8 under this part, or a corporate officer who has knowledge of or  
9 is responsible for a violation, is guilty of a misdemeanor,  
10 punishable by a fine of not less than ~~\$2,500.00~~ **\$5,000.00** nor  
11 more than ~~\$25,000.00~~ **\$50,000.00** per day of violation, or by  
12 imprisonment for not more than 1 year, or both. A person who  
13 violates this section a second or subsequent time is guilty of a  
14 felony, punishable by a fine of not more than ~~\$50,000.00~~  
15 **\$100,000.00** for each day of violation, or by imprisonment for not  
16 more than 2 years, or both.

17 (4) In addition to the penalties provided under subsections  
18 (1), (2), and (3), the court may order a person who violates this  
19 part to restore as nearly as possible the wetland that was  
20 affected by the violation to its original condition immediately  
21 before the violation. The restoration may include the removal of  
22 fill material deposited in the wetland or the replacement of  
23 soil, sand, or minerals.

24 Sec. 31509. (1) Except as otherwise provided in this part or  
25 as authorized by a permit issued by the department pursuant to  
26 part 13, a person shall not undertake any of the following  
27 activities:

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) An application for a permit shall include information  
9 that the department determines is necessary for the  
10 administration of this part. If a project includes activities at  
11 multiple locations, 1 application may be filed for the combined  
12 activities.

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

16 (a) For a dam with a height of 6 feet or more but less than  
17 10 feet, ~~\$500.00~~ **\$1,750.00**.

18 (b) For a dam with a height of 10 feet or more but less than  
19 20 feet, ~~\$1,000.00~~ **\$3,500.00**.

20 (c) For a dam with a height of 20 feet or more, ~~\$3,000.00~~  
21 **\$10,000.00**.

22 (4) An application for a permit for the repair, alteration,  
23 removal, or abandonment of a dam shall be accompanied by a fee of  
24 ~~\$200.00~~ **\$700.00**, and an application for a permit for a minor  
25 project pursuant to section 31513(1) shall be accompanied by a  
26 fee of ~~\$100.00~~ **\$250.00**.

27 ~~—— (5) The department shall waive the fees under this section~~

1 ~~for applications from state agencies, department sponsored~~  
2 ~~projects located on public lands, and organizations of the type~~  
3 ~~described in section 31508(2)(a) through (c).~~

4 (5) A REQUEST FOR A MINOR REVISION TO A PERMIT OR TO  
5 TRANSFER A PERMIT TO A NEW OWNER SHALL BE ACCOMPANIED BY A FEE OF  
6 \$250.00.

7 (6) A REQUEST FOR AN EXTENSION OF A PERMIT SHALL BE  
8 ACCOMPANIED BY A FEE OF \$150.00. AN EXPIRED PERMIT SHALL NOT BE  
9 EXTENDED, NOR SHALL A PERMIT BE EXTENDED BEYOND 5 YEARS FROM THE  
10 DATE OF INITIAL ISSUANCE.

11 (7) THE DEPARTMENT SHALL ADJUST THE FEES UNDER THIS SECTION  
12 IN 2010 AND EVERY FIFTH YEAR THEREAFTER BY AN AMOUNT DETERMINED  
13 BY THE STATE TREASURER TO REFLECT THE CUMULATIVE ANNUAL  
14 PERCENTAGE CHANGE IN THE DETROIT CONSUMER PRICE INDEX, ROUNDED TO  
15 THE NEAREST DOLLAR.

16 (8) ~~(6)~~ The department shall forward fees collected under  
17 this section to the state treasurer for deposit in the land and  
18 water management permit fee fund created in section 30113.

19 SEC. 31509A. (1) BEGINNING OCTOBER 1, 2007, AN ANNUAL DAM  
20 SAFETY FEE SHALL BE ASSESSED TO THE OWNER OF EACH DAM REGULATED  
21 UNDER THIS PART. THE FEE IN THE FIRST FISCAL YEAR SHALL BE  
22 \$750.00 FOR HIGH AND SIGNIFICANT HAZARD POTENTIAL DAMS AND  
23 \$200.00 FOR LOW HAZARD POTENTIAL DAMS.

24 (2) BEGINNING OCTOBER 1, 2008, THE DEPARTMENT SHALL ANNUALLY  
25 ADJUST THE FEES UNDER THIS SECTION BY AN AMOUNT DETERMINED BY THE  
26 STATE TREASURER TO REFLECT THE CUMULATIVE ANNUAL PERCENTAGE  
27 CHANGE IN THE DETROIT CONSUMER PRICE INDEX, ROUNDED TO THE

1 NEAREST DOLLAR. THE DEPARTMENT SHALL NOTIFY THESE OWNERS OF THEIR  
2 FEE ASSESSMENT BY FEBRUARY 1 OF EACH YEAR. PAYMENT SHALL BE  
3 POSTMARKED NO LATER THAN MARCH 15 OF EACH YEAR.

4 (3) THE DEPARTMENT SHALL ASSESS INTEREST ON ALL FEE PAYMENTS  
5 SUBMITTED UNDER THIS SECTION AFTER THE DUE DATE. THE OWNER SHALL  
6 PAY AN ADDITIONAL AMOUNT EQUAL TO 0.75% OF THE PAYMENT DUE FOR  
7 EACH MONTH OR PORTION OF A MONTH THE PAYMENT REMAINS PAST DUE.

8 (4) THE DEPARTMENT SHALL FORWARD ALL FEES COLLECTED UNDER  
9 THIS SECTION TO THE STATE TREASURER FOR DEPOSIT INTO THE LAND AND  
10 WATER MANAGEMENT PERMIT FEE FUND CREATED IN SECTION 30113.

11 (5) THE FAILURE BY AN OWNER TO PAY A FEE IMPOSED BY THIS  
12 SECTION IS A VIOLATION OF THIS PART AND SUBJECTS THAT PERSON TO  
13 THE PENALTY PROVISIONS IN SECTION 31525.

14 Sec. 32312. (1) The department, in order to regulate the  
15 uses and development of high-risk areas, flood risk areas, and  
16 environmental areas and to implement the purposes of this part,  
17 shall promulgate rules. If permits are required under rules  
18 promulgated under this part, the permits shall be issued pursuant  
19 to the rules and part 13. Except as provided under subsection  
20 (2), ~~until October 1, 2008,~~ if permits are required pursuant to  
21 rules promulgated under this part, an application for a permit  
22 shall be accompanied by a fee as follows:

23 (a) For a commercial or multi-family residential project,  
24 ~~\$500.00~~ \$1,750.00.

25 (b) For a single-family ~~home construction,~~ \$100.00  
26 RESIDENTIAL PROJECT OR TO RELOCATE A PERMANENT STRUCTURE ON A  
27 PROPERTY, \$350.00.



(c) For an addition to an existing single-family home  
RESIDENTIAL PROJECT or for a project that has a minor impact on  
fish and wildlife resources in environmental areas as determined  
by the department, ~~\$50.00~~ \$175.00.

(D) FOR ALL OTHER PROJECTS NOT DESCRIBED ABOVE, \$1,000.00.

(E) FOR A REQUEST TO UPDATE RECESSION RATE DATA ON A PARCEL  
OR PARCELS BASIS TO REEVALUATE THE SETBACK REQUIREMENTS IN HIGH  
RISK EROSION AREAS, A FEE OF \$1,000.00 FOR A PARCEL AND \$200.00  
FOR EACH ADDITIONAL ADJACENT PARCEL.

(2) A REQUEST FOR A MINOR REVISION TO A PERMIT UNDER THIS  
SECTION OR TO TRANSFER A PERMIT TO A NEW OWNER SHALL BE  
ACCOMPANIED BY A FEE OF \$250.00.

(3) A REQUEST FOR EXTENSION OF A PERMIT UNDER THIS SECTION  
SHALL BE ACCOMPANIED BY A FEE OF \$150.00. AN EXPIRED PERMIT SHALL  
NOT BE EXTENDED NOR SHALL A PERMIT BE EXTENDED BEYOND 5 YEARS  
FROM THE DATE OF INITIAL ISSUANCE.

(4) IF A PREAPPLICATION MEETING IS REQUESTED IN WRITING BY  
THE LANDOWNER OR ANOTHER PERSON WHO IS AUTHORIZED IN WRITING BY  
THE LANDOWNER, THE DEPARTMENT SHALL MEET WITH THE PERSON OR HIS  
OR HER REPRESENTATIVES TO REVIEW A PROPOSED PROJECT OR A PROPOSED  
PERMIT APPLICATION IN ITS ENTIRETY. THE PREAPPLICATION MEETING  
SHALL TAKE PLACE AT THE DEPARTMENT'S DISTRICT OFFICE FOR THE  
DISTRICT THAT INCLUDES THE PROJECT SITE OR AT THE PROJECT SITE  
ITSELF, AS SPECIFIED IN THE REQUEST AND IS SUBJECT TO ALL OF THE  
FOLLOWING:

(A) EXCEPT AS PROVIDED IN THIS SUBSECTION, THE REQUEST SHALL  
BE ACCOMPANIED BY A FEE. THE FEE FOR A PREAPPLICATION MEETING AT

1 THE DISTRICT OFFICE IS \$150.00. THE FEE FOR A PREAPPLICATION  
2 MEETING AT THE PROJECT SITE IS \$250.00 FOR THE FIRST ACRE OR  
3 PORTION OF AN ACRE OF PROJECT AREA, PLUS \$50.00 FOR EACH ACRE OR  
4 PORTION OF AN ACRE IN EXCESS OF THE FIRST ACRE, BUT NOT TO EXCEED  
5 A FEE OF \$1,000.00. HOWEVER, IF THE LOCATION OF THE PROJECT IS A  
6 SINGLE-FAMILY RESIDENTIAL LOT THAT IS LESS THAN 1 ACRE IN SIZE,  
7 THERE IS NO FEE FOR A PREAPPLICATION MEETING AT THE DISTRICT  
8 OFFICE, AND THE FEE FOR A PREAPPLICATION MEETING AT THE PROJECT  
9 SITE IS \$100.00.

10 (B) IF THE PERSON WITHDRAWS THE REQUEST FOR A PREAPPLICATION  
11 MEETING AT LEAST 24 HOURS BEFORE THE MEETING, THE DEPARTMENT MAY  
12 AGREE WITH THE PERSON TO RESCHEDULE THE MEETING OR SHALL PROMPTLY  
13 REFUND THE FEE AND NEED NOT MEET AS PROVIDED IN THIS SECTION.  
14 OTHERWISE, IF, AFTER AGREEING TO THE TIME AND PLACE FOR A  
15 PREAPPLICATION MEETING, THE PERSON IS NOT REPRESENTED AT THE  
16 MEETING, THE PERSON SHALL FORFEIT THE FEE FOR THE MEETING. IF,  
17 AFTER AGREEING TO THE TIME AND PLACE FOR A PREAPPLICATION  
18 MEETING, THE DEPARTMENT IS NOT REPRESENTED AT THE MEETING, THE  
19 DEPARTMENT SHALL REFUND THE FEE AND SEND A REPRESENTATIVE TO A  
20 RESCHEDULED MEETING TO BE HELD WITHIN 10 DAYS OF THE FIRST  
21 SCHEDULED MEETING DATE.

22 (C) ANY WRITTEN AGREEMENT PROVIDED BY THE DEPARTMENT AS A  
23 RESULT OF THE PREAPPLICATION MEETING REGARDING THE NEED TO OBTAIN  
24 A PERMIT IS BINDING ON THE DEPARTMENT FOR 2 YEARS FROM THE DATE  
25 OF THE AGREEMENT.

26 (5) THE DEPARTMENT SHALL ADJUST THE FEES UNDER THIS SECTION  
27 IN 2010 AND EVERY FIFTH YEAR THEREAFTER BY AN AMOUNT DETERMINED

1 BY THE STATE TREASURER TO REFLECT THE CUMULATIVE ANNUAL  
2 PERCENTAGE CHANGE IN THE DETROIT CONSUMER PRICE INDEX, ROUNDED TO  
3 THE NEAREST DOLLAR.

4 (6) ~~(2)~~—A project that requires review and approval under  
5 this part and under 1 or more of the following is subject to only  
6 the single highest permit fee required under this part or the  
7 following:

8 (a) Part 301.

9 (b) Part 303.

10 (c) Part 325.

11 (d) Section 3104.

12 (e) Section 117 of the land division act, 1967 PA 288, MCL  
13 560.117.

14 (7) ~~(3)~~—The department shall forward fees collected under  
15 this section to the state treasurer for deposit in the land and  
16 water management permit fee fund created in section 30113.

17 ~~—— (4) A circuit court, upon petition and a showing by the~~  
18 ~~department that a violation of a rule promulgated under~~  
19 ~~subsection (1) exists, shall issue any necessary order to the~~  
20 ~~defendant to correct the violation or to restrain the defendant~~  
21 ~~from further violation of the rule.~~

22 (8) THE DEPARTMENT MAY COMMENCE A CIVIL ACTION IN THE  
23 CIRCUIT COURT OF THE COUNTY IN WHICH A VIOLATION OCCURS TO  
24 ENFORCE COMPLIANCE WITH THIS PART, TO RESTRAIN VIOLATION OF THIS  
25 PART OR ANY ACTION CONTRARY TO AN ORDER OF THE DEPARTMENT DENYING  
26 A PERMIT, TO ENJOIN THE FURTHER PERFORMANCE OF, OR ORDER THE  
27 REMOVAL OF, ANY PROJECT THAT IS UNDERTAKEN CONTRARY TO THIS PART

1 OR AFTER DENIAL OF A PERMIT BY THE DEPARTMENT, OR TO ORDER THE  
2 RESTORATION OF THE AFFECTED AREA TO ITS PRIOR CONDITION.

3 (9) IN A CIVIL ACTION COMMENCED UNDER THIS PART, THE CIRCUIT  
4 COURT, IN ADDITION TO ANY OTHER RELIEF GRANTED, MAY ASSESS A  
5 CIVIL FINE OF NOT MORE THAN \$10,000.00 FOR EACH DAY OF VIOLATION.

6 (10) A PERSON WHO VIOLATES THIS PART OR A PERMIT ISSUED  
7 UNDER THIS PART IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE  
8 OF NOT MORE THAN \$20,000.00 PER DAY FOR EACH DAY OF VIOLATION.

9 (11) A PERSON WHO COMMITS A MINOR OFFENSE IS GUILTY OF A  
10 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00 FOR  
11 EACH VIOLATION. A LAW ENFORCEMENT OFFICER MAY ISSUE AND SERVE AN  
12 APPEARANCE TICKET UPON A PERSON FOR A MINOR OFFENSE PURSUANT TO  
13 SECTIONS 9C TO 9G OF CHAPTER IV OF THE CODE OF CRIMINAL  
14 PROCEDURE, 1927 PA 175, MCL 764.9C TO 764.9G.

15 (12) A PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT,  
16 REPRESENTATION, OR CERTIFICATION IN AN APPLICATION FOR A PERMIT  
17 OR IN A NOTICE OR REPORT REQUIRED BY A PERMIT, OR A PERSON WHO  
18 KNOWINGLY RENDERS INACCURATE ANY MONITORING DEVICE OR METHOD  
19 REQUIRED TO BE MAINTAINED BY A PERMIT, IS GUILTY OF A MISDEMEANOR  
20 PUNISHABLE BY A FINE OF NOT MORE THAN \$20,000.00 FOR EACH DAY OF  
21 VIOLATION.

22 (13) ANY CIVIL REMEDY ASSESSED, SOUGHT, OR AGREED TO BY THE  
23 DEPARTMENT SHALL BE APPROPRIATE TO THE VIOLATION.

24 Sec. 32510. (1) Except as provided in subsection (2), a  
25 person who ~~excavates or fills or in any manner alters or modifies~~  
26 ~~any of the land or waters subject to this part without the~~  
27 ~~approval of the department is guilty of a misdemeanor, punishable~~

1 ~~by imprisonment for not more than 1 year or a fine of not more~~  
2 ~~than \$1,000.00, or both~~ VIOLATES THIS PART OR A TERM OR CONDITION  
3 OF A PERMIT, LEASE, OR AGREEMENT ISSUED UNDER THIS PART OR  
4 PROVIDES FALSE INFORMATION IS GUILTY OF A MISDEMEANOR PUNISHABLE  
5 BY A FINE OF NOT MORE THAN \$10,000.00 FOR EACH DAY OF VIOLATION.  
6 Land altered or modified in violation of this part shall not be  
7 sold to any person convicted under this section at less than  
8 fair, cash market value.

9 (2) THE DEPARTMENT MAY COMMENCE A CIVIL ACTION IN THE  
10 CIRCUIT COURT OF THE COUNTY IN WHICH A VIOLATION OCCURS OR IN  
11 INGHAM COUNTY CIRCUIT COURT TO ENFORCE COMPLIANCE WITH THIS PART,  
12 TO RESTRAIN VIOLATION OF THIS PART OR ANY ACTION CONTRARY TO AN  
13 ORDER OF THE DEPARTMENT DENYING A PERMIT, TO ENJOIN THE FURTHER  
14 PERFORMANCE OF, OR ORDER THE REMOVAL OF, ANY PROJECT THAT IS  
15 UNDERTAKEN CONTRARY TO THIS PART OR AFTER DENIAL OF A PERMIT BY  
16 THE DEPARTMENT, OR TO ORDER THE RESTORATION OF THE AFFECTED AREA  
17 TO ITS PRIOR CONDITION.

18 (3) IN A CIVIL ACTION COMMENCED UNDER THIS PART, THE CIRCUIT  
19 COURT, IN ADDITION TO ANY OTHER RELIEF GRANTED, MAY ASSESS A  
20 CIVIL FINE OF NOT MORE THAN \$5,000.00 FOR EACH DAY OF VIOLATION.

21 (4) A PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT,  
22 REPRESENTATION, OR CERTIFICATION IN AN APPLICATION FOR A PERMIT  
23 OR IN A NOTICE OR REPORT REQUIRED BY A PERMIT, OR A PERSON WHO  
24 KNOWINGLY RENDERS INACCURATE ANY MONITORING DEVICE OR METHOD  
25 REQUIRED TO BE MAINTAINED BY A PERMIT, IS GUILTY OF A MISDEMEANOR  
26 PUNISHABLE BY A FINE OF NOT MORE THAN \$10,000.00 FOR EACH DAY OF  
27 VIOLATION.

(5) ANY CIVIL REMEDY ASSESSED, SOUGHT, OR AGREED TO BY THE DEPARTMENT SHALL BE APPROPRIATE TO THE VIOLATION.

(6) ~~(2)~~—A person who commits a minor offense is guilty of a misdemeanor, punishable by a fine of not more than ~~\$500.00~~ \$1,000.00 for each violation. A law enforcement officer may issue and serve an appearance ticket upon a person for a minor offense pursuant to sections ~~9a~~ 9C to 9g of chapter IV of the code of criminal procedure, ~~Act No. 175 of the Public Acts of 1927, being sections 764.9a to 764.9g of the Michigan Compiled Laws 1927 PA 175, MCL 764.9C TO 764.9G.~~

(7) ~~(3)~~—As used in this section, "minor offense" means either of the following violations of this part if the department determines that restoration of the affected property is not required:

(a) The failure to obtain a permit under this part.

(b) A violation of a permit issued under this part.

Sec. 32511. A riparian owner may apply to the department for a certificate suitable for recording indicating the location of his or her lakeward boundary or indicating that the land involved has accreted to his or her property as a result of natural accretions or placement of a lawful, permanent structure. The application shall be accompanied by a fee of ~~\$200.00~~ \$700.00 and proof of upland ownership.

Sec. 32513. (1) Before any work or connection specified in section 32512 or 32512a is undertaken, a person shall file an application with the department of environmental quality setting forth the following:

(a) The name and address of the applicant.

(b) The legal description of the lands included in the project.

(c) A summary statement of the purpose of the project.

(d) A map or diagram showing the proposal on an adequate scale with contours and cross-section profiles of the waterway to be constructed.

(e) Other information required by the department of environmental quality.

(2) Except as provided in subsections (3) and (4), ~~until October 1, 2008,~~ an application for a permit under this section shall be accompanied by a fee according to the following schedule:

(a) For a project in a category of activities for which a general permit is issued under section 32512a, a fee of ~~\$100.00~~ \$150.00.

(b) For activities included in the minor project category as described in rules promulgated under this part, ~~and for a permit for the removal of vegetation in an area that is not more than 100 feet wide or the width of the property, whichever is less, or the mowing of vegetation in excess of what is allowed in section 32512(2)(a)(ii), in the area between the ordinary high water mark and the water's edge,~~ a fee of ~~\$50.00~~ \$250.00.

**(C) FOR THE REMOVAL OF VEGETATION ON GREAT LAKES BOTTOMLAND LYING BELOW THE ORDINARY HIGH-WATER MARK AND ABOVE THE WATER'S EDGE, AS FOLLOWS:**

**(i) FOR LESS THAN 50 FEET OF REMOVAL ALONG THE WIDTH OF THE**

1 PROPERTY, A FEE OF \$250.00.

2 (ii) FOR 50 TO 100 FEET OF REMOVAL ALONG THE WIDTH OF THE  
3 PROPERTY, A FEE OF \$500.00.

4 (iii) FOR MORE THAN 100 FEET OF REMOVAL ALONG THE WIDTH OF THE  
5 PROPERTY, A FEE OF \$1,200.00.

6 (D) ~~(e)~~—For construction or expansion of a marina, a fee of  
7 THE FOLLOWING:

8 (i) ~~\$50.00~~—\$175.00 for an expansion of 1-10 slips to an  
9 existing permitted marina.

10 (ii) ~~\$100.00~~—\$350.00 for a new marina with 1-10 proposed  
11 marina slips.

12 (iii) ~~\$250.00~~—\$875.00 for an expansion of 11-50 slips to an  
13 existing permitted marina, plus ~~\$10.00~~—\$35.00 for each slip over  
14 50.

15 (iv) ~~\$500.00~~—\$1,750.00 for a new marina with 11-50 proposed  
16 marina slips, plus ~~\$10.00~~—\$35.00 for each slip over 50.

17 (v) ~~\$1,500.00~~—\$5,250.00 if an existing permitted marina  
18 proposes maintenance dredging of 10,000 cubic yards or more or  
19 the addition of seawalls, bulkheads, or revetments of 500 feet or  
20 more.

21 (E) ~~(d)~~—For major projects, other than a project described  
22 in subdivision ~~(e)(v)~~—(D) (v), involving any of the following, a  
23 fee of ~~\$2,000.00~~—\$7,000.00:

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

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

26 (iii) Seawalls, bulkheads, or revetment of 500 feet or more.

27 (iv) Filling or draining of 1 acre or more of coastal



1 wetland.

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

4 (vi) ~~New~~ **A NEW** breakwater or channel jetty.

5 (vii) Shore protection, such as groins and underwater  
6 stabilizers, that extend 150 feet or more on Great Lakes  
7 bottomlands.

8 (viii) ~~New~~ **A NEW** commercial dock or wharf of 300 feet or more  
9 in length.

10 **(F)** ~~(e)~~ For all other projects not listed in subdivisions  
11 (a) through ~~(d)~~ **(E)**, ~~\$500.00~~ **\$1,750.00**.

12 (3) 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) Section 3104.

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

21 (4) If work has been done in violation of a permit  
22 requirement under this part and restoration is not ordered by the  
23 department of environmental quality, the department of  
24 environmental quality may accept an application for a permit if  
25 the application is accompanied by a fee equal to 2 times the  
26 permit fee required under this section.

27 **(5) A REQUEST FOR A MINOR REVISION TO A PERMIT OR TO**

1 TRANSFER A PERMIT TO A NEW OWNER SHALL BE ACCOMPANIED BY A FEE OF  
2 \$250.00.

3 (6) A REQUEST FOR EXTENSION OF A PERMIT SHALL BE ACCOMPANIED  
4 BY A FEE OF \$150.00. AN EXPIRED PERMIT SHALL NOT BE EXTENDED NOR  
5 SHALL A PERMIT BE EXTENDED BEYOND 5 YEARS FROM THE DATE OF  
6 INITIAL ISSUANCE.

7 (7) THE DEPARTMENT SHALL ADJUST THE FEES UNDER THIS SECTION  
8 IN 2010 AND EVERY FIFTH YEAR THEREAFTER BY AN AMOUNT DETERMINED  
9 BY THE STATE TREASURER TO REFLECT THE CUMULATIVE ANNUAL  
10 PERCENTAGE CHANGE IN THE DETROIT CONSUMER PRICE INDEX, ROUNDED TO  
11 THE NEAREST DOLLAR.

12 (8) ~~(5)~~—The department of environmental quality shall  
13 forward all fees collected under this section to the state  
14 treasurer for deposit into the land and water management permit  
15 fee fund created in section 30113.

16 Sec. 62509. (1) A person shall not drill or begin the  
17 drilling of ~~any brine, storage, or waste disposal well,~~ A BRINE  
18 WELL, STORAGE WELL, OR DISPOSAL WELL, OR A TEST WELL GREATER THAN  
19 25 FEET IN DEPTH, or convert any well for these uses, ~~and except~~  
20 as authorized by a permit issued by the supervisor of mineral  
21 wells pursuant to part 13 and rules promulgated by the supervisor  
22 of mineral wells ~~, and unless the person files with the~~  
23 supervisor of mineral wells an approved ~~surety or security~~  
24 CONFORMANCE bond AS DEFINED IN R 299.2302 OF THE MICHIGAN  
25 ADMINISTRATIVE CODE. The application shall be accompanied by a  
26 survey of the well site. HOWEVER, FOR A WELL THAT IS SUBJECT TO A  
27 BLANKET TEST WELL PERMIT UNDER SUBSECTION (6), THE APPLICATION

1 MAY BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE WELL,  
 2 **INSTEAD OF A SURVEY.** The department shall conduct an  
 3 investigation and inspection before the supervisor of mineral  
 4 wells issues a permit. A permit shall not be issued to ~~any~~ **AN**  
 5 owner or his or her authorized representative who ~~does not comply~~  
 6 ~~with the rules of the supervisor of mineral wells or who is in~~  
 7 violation of this part or any rule ~~of the supervisor of mineral~~  
 8 ~~wells~~ **PROMULGATED UNDER THIS PART OR ORDER ISSUED UNDER THIS**  
 9 **PART.**

10 (2) Upon completion of the drilling or converting of a well  
 11 for storage or ~~waste disposal and after~~ **DISPOSAL, A PERSON SHALL**  
 12 **NOT OPERATE THE WELL FOR INJECTION OR WITHDRAWAL OF FLUIDS UNTIL**  
 13 **THE OWNER OR OPERATOR CONDUCTS** necessary testing ~~by the owner to~~  
 14 determine that the well can be used for these purposes and in a  
 15 manner that will not cause surface or underground waste, **AND**  
 16 **RECEIVES APPROVAL FROM** the supervisor of mineral wells ~~upon~~  
 17 ~~receipt of appropriate evidence, shall approve and regulate the~~  
 18 ~~use of the well for storage or waste~~ **TO USE THE WELL FOR STORAGE**  
 19 **OR** disposal. These operations ~~shall be pursuant~~ **ARE SUBJECT** to  
 20 part 31. ~~The~~ **AT ANY TIME DURING THE APPLICATION PERIOD OR THE**  
 21 **PROCESSING PERIOD UNDER PART 13, THE** supervisor of mineral wells  
 22 may schedule a public hearing to ~~consider the need or~~  
 23 ~~advisability of permitting the drilling or operating of~~ **RECEIVE**  
 24 **COMMENTS ON AN APPLICATION FOR A PERMIT TO DRILL AND OPERATE** a  
 25 storage or ~~waste disposal~~ well, or ~~converting~~ **TO CONVERT** a well  
 26 for these uses, if the public safety or other interests are  
 27 involved. **THE RUNNING OF THE 20-DAY PROCESSING PERIOD UNDER PART**

1 13 IS TOLLED FROM THE TIME THE DEPARTMENT SCHEDULES A PUBLIC  
2 HEARING UNTIL 30 DAYS AFTER THE PUBLIC HEARING IS HELD.

3 ~~—— (2) A person shall not drill a test well 50 feet or greater~~  
4 ~~in depth into the bedrock or below the deepest freshwater strata,~~  
5 ~~except as provided in section 62508(c), except as authorized by a~~  
6 ~~permit issued by the supervisor of mineral wells pursuant to part~~  
7 ~~13 and rules promulgated by the supervisor of mineral wells, and~~  
8 ~~unless the person files with the supervisor of mineral wells an~~  
9 ~~approved surety or security bond. The application shall be~~  
10 ~~accompanied by the fee provided in subsection (6). The department~~  
11 ~~shall conduct an investigation and inspection before the~~  
12 ~~supervisor of mineral wells issues a permit. A permit shall not~~  
13 ~~be issued to any owner or his or her authorized representative~~  
14 ~~who does not comply with the rules of the supervisor of mineral~~  
15 ~~wells or who is in violation of this part or any rule of the~~  
16 ~~supervisor of mineral wells. A test well that penetrates below~~  
17 ~~the deepest freshwater stratum or is greater than 250 feet in~~  
18 ~~depth is subject to an individual test well permit. A test well~~  
19 ~~that does not penetrate below the deepest freshwater stratum and~~  
20 ~~is 250 feet or less in depth is subject to a blanket test well~~  
21 ~~permit. This subsection does not apply to a test well regulated~~  
22 ~~under part 111 or part 115, or a water well regulated under part~~  
23 ~~127 of the public health code, 1978 PA 368, MCL 333.12701 to~~  
24 ~~333.12771.~~

25 ~~—— (3) A permit is not required to drill a test well in those~~  
26 ~~areas of the state where rocks of Precambrian age directly~~  
27 ~~underlie unconsolidated surface deposits or in those areas that~~

~~1 have been designated pursuant to section 62508(e). However,~~  
~~2 within 2 years after completion of the drilling of the well, the~~  
~~3 owner shall advise the supervisor of mineral wells of the~~  
~~4 location of the well and file with the supervisor of mineral~~  
~~5 wells the log required under section 62508(d). The provisions of~~  
~~6 this part pertaining to the prevention and correction of surface~~  
~~7 and underground waste have the same application to these test~~  
~~8 wells as to other wells defined in this part.~~

~~9 (4) Upon request, the supervisor of mineral wells may issue~~  
~~10 to qualified persons a blanket permit to drill within a county~~  
~~11 test wells which will not penetrate below the deepest freshwater~~  
~~12 stratum and are 250 feet or less in depth.~~

~~13 (5) All information and records pertaining to the~~  
~~14 application for and issuance of permits for wells subject to this~~  
~~15 part shall be held confidential in the same manner as provided~~  
~~16 for logs and reports on these wells.~~

**(3) A PERMIT AND A CONFORMANCE BOND ARE NOT REQUIRED TO  
DRILL A TEST WELL THAT IS LESS THAN 25 FEET IN DEPTH.**

**(4) THE PROVISIONS OF THIS PART PERTAINING TO THE PREVENTION  
AND CORRECTION OF SURFACE OR UNDERGROUND WASTE APPLY TO TEST  
WELLS SUBJECT TO SUBSECTION (3) IN THE SAME MANNER AS TO OTHER  
MINERAL WELLS.**

**(5) AN INDIVIDUAL TEST WELL PERMIT AND A CONFORMANCE BOND  
ARE REQUIRED TO DRILL A TEST WELL 250 FEET OR GREATER IN DEPTH IN  
AREAS OF THE STATE WHERE ROCKS YOUNGER THAN PRECAMBRIAN AGE  
DIRECTLY UNDERLIE UNCONSOLIDATED SURFACE DEPOSITS.**

**(6) A CONFORMANCE BOND IS REQUIRED FOR A TEST WELL THAT IS**

1 SUBJECT TO A BLANKET TEST WELL PERMIT. A BLANKET TEST WELL PERMIT  
 2 MAY BE ISSUED TO A SINGLE OWNER OR OPERATOR FOR MULTIPLE TEST  
 3 WELLS OF THE FOLLOWING TYPE:

4 (A) A TEST WELL GREATER THAN 25 FEET IN DEPTH BUT LESS THAN  
 5 250 FEET IN DEPTH LOCATED IN AN AREA WHERE ROCKS YOUNGER THAN  
 6 PRECAMBRIAN AGE DIRECTLY UNDERLIE UNCONSOLIDATED SURFACE  
 7 DEPOSITS.

8 (B) A TEST WELL 25 FEET OR GREATER IN DEPTH LOCATED IN AN  
 9 AREA WHERE ROCKS OF PRECAMBRIAN AGE DIRECTLY UNDERLIE  
 10 UNCONSOLIDATED SURFACE DEPOSITS.

11 (7) ~~(6)~~ A SUBJECT TO SUBSECTION (9), A permit application  
 12 submitted under this section shall be accompanied by the  
 13 following ~~permit application~~ DRILLING fee:

14	(a) <del>Disposal</del> FOR A DISPOSAL well for		
15	disposal of waste products other		
16	than processed brine.....	<del>\$2,500.00</del>	\$3,125.00.
17	(b) <del>Disposal</del> FOR A DISPOSAL well for		
18	disposal of processed brine.....	<del>\$ 500.00</del>	\$ 625.00.
19	(c) <del>Storage</del> FOR A STORAGE well.....	<del>\$ 500.00</del>	\$ 625.00.
20	(d) <del>Natural</del> FOR A NATURAL brine		
21	production well.....	<del>\$ 500.00</del>	\$ 625.00.
22	(e) <del>Artificial</del> FOR AN ARTIFICIAL		
23	brine production well.....	<del>\$ 500.00</del>	\$ 625.00.
24	(f) <del>Individual</del> FOR AN INDIVIDUAL		
25	test well under subsection <del>(2)</del>		
26	(5).....	<del>\$ 500.00</del>	\$ 625.00.
27	<del>(g) Blanket permit for test wells drilled pursuant to</del>		
28	<del>subsection (4):</del>		

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        (G) FOR EACH TEST WELL SUBJECT TO A  
 6                BLANKET TEST WELL PERMIT UNDER  
 7                SUBSECTION (6)..... \$ 250.00.

8        (8) ~~(7) The supervisor of mineral wells shall deposit~~  
 9        DEPARTMENT SHALL FORWARD all ~~permit application~~ DRILLING fees  
 10       collected under this section TO THE STATE TREASURER FOR DEPOSIT  
 11       into the fund.

12       (9) BEGINNING WITH DRILLING FEES TO BE PAID IN STATE FISCAL  
 13       YEAR 2009, THE DEPARTMENT SHALL ANNUALLY ADJUST THE FEES BY AN  
 14       AMOUNT DETERMINED BY THE STATE TREASURER TO REFLECT THE  
 15       CUMULATIVE ANNUAL PERCENTAGE CHANGE IN THE DETROIT CONSUMER PRICE  
 16       INDEX, ROUNDED TO THE NEAREST DOLLAR.

17       Sec. 62509a. (1) The owner or operator of a well regulated  
 18       under this part is subject to the ~~following annual mineral well~~  
 19       ~~regulatory~~ OPERATING fee SPECIFIED IN SUBSECTION (2). The fee  
 20       shall apply to any mineral well that IS SUBJECT TO A PERMIT UNDER  
 21       SECTION 62509 THAT MEETS BOTH OF THE FOLLOWING CONDITIONS:

22       (A) DRILLING WAS COMPLETED MORE THAN 6 MONTHS BEFORE THE  
 23       TIME THE FEE IS DUE.

24       (B) THE WELL is usable for its permitted purpose, or has not  
 25       been properly plugged in accordance with the requirements of this  
 26       part and rules promulgated under this part, at the time the fee  
 27       is due. ÷

(2) SUBJECT TO SUBSECTION (5), THE ANNUAL OPERATING FEE IS  
AS FOLLOWS:

(a)	For a disposal well for disposal of waste products other than processed brine.....	<del>\$2,500.00</del>	\$3,125.00.
(b)	For a disposal well for disposal <del>of</del> <b>OF</b> processed brine.....	<del>\$ 500.00</del>	\$ 625.00.
(c)	For a storage well.....	<del>\$ 500.00</del>	\$ 625.00.
(d)	For a natural brine production well.	<del>\$ 500.00</del>	\$ 625.00.
(e)	For an artificial brine production well.....	<del>\$ 500.00</del>	\$ 625.00.
(f)	For an individual test well.....	<del>\$ 500.00</del>	\$ 625.00.
<del>(g)</del>	<del>For a blanket permit for test wells:</del>		
<del>(i)</del>	<del>1 to 24 wells.....</del>	<del>\$ 75.00.</del>	
<del>(ii)</del>	<del>25 to 49 wells.....</del>	<del>\$ 150.00.</del>	
<del>(iii)</del>	<del>50 to 75 wells.....</del>	<del>\$ 300.00.</del>	
<del>(iv)</del>	<del>75 to 200 wells.....</del>	<del>\$ 600.00.</del>	
(G)	FOR EACH TEST WELL SUBJECT TO A BLANKET PERMIT UNDER SECTION 62509(6).....		\$ 250.00.

(3) ~~(2)~~ Mineral well ~~regulatory~~ **ANNUAL OPERATING** fees shall  
be submitted to the department in the manner required by the  
department along with any documentation required by the  
department.

(4) ~~(3)~~ The department shall forward all mineral well  
~~regulatory~~ **ANNUAL OPERATING** fees collected under this section to  
the state ~~treasury~~ **TREASURER** for deposit in the fund.

(5) BEGINNING OCTOBER 1, 2008, THE DEPARTMENT SHALL ANNUALLY  
ADJUST THE FEES BY AN AMOUNT DETERMINED BY THE STATE TREASURER TO



1 REFLECT THE CUMULATIVE ANNUAL PERCENTAGE CHANGE IN THE DETROIT  
2 CONSUMER PRICE INDEX, ROUNDED TO THE NEAREST DOLLAR. THE  
3 DEPARTMENT SHALL NOTIFY THE OWNER OR OPERATOR OF THE FEE  
4 ASSESSMENT BY FEBRUARY 1 OF EACH YEAR. PAYMENT SHALL BE  
5 POSTMARKED NOT LATER THAN MARCH 15 OF EACH YEAR.

6 (6) THE DEPARTMENT SHALL ASSESS INTEREST ON ALL FEE PAYMENTS  
7 SUBMITTED UNDER THIS SECTION AFTER THE DUE DATE. THE OWNER SHALL  
8 PAY AN ADDITIONAL AMOUNT EQUAL TO 0.75% OF THE PAYMENT DUE FOR  
9 EACH MONTH OR PORTION OF A MONTH THE PAYMENT REMAINS PAST DUE.