

NREPA: PERMIT PROCESS REQUIREMENTS

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Senate Bill 275 (S-1)

Sponsor: Sen. Tom Casperson

House Committee: Regulatory Reform

Senate Committee: Economic Development

Complete to 11-2-11

A SUMMARY OF SENATE BILL 275 AS PASSED BY THE SENATE 5-5-11

The bill would make various changes to Part 13 (Permits) of the Natural Resources and Environmental Protection Act (NREPA) to do the following:

- Consider applications to be administratively complete when the department makes that determination or 30 days after the state receives the application, whichever is first.
- Require a department, upon request and without cost, to provide a person a list specifying in detail the information required to complete a permit application.
- Prevent a department from requesting new or additional information from an applicant that is not specified in the list after the application has been considered administratively complete. The request would be permitted if it included a detailed explanation of why the information is needed. The applicant would not be required to provide the information as a condition for the permit to be approved.
- Allow a department to request an applicant to clarify, amplify, or correct information required for an application, after an application was considered administratively complete, and require the applicant to provide that information.

The term "department" in this part of NREPA means the department, agency, or officer authorized by the act to approve or deny an application for a particular permit.

If with respect to 10% or more of the applications for a particular type of permit during a fiscal quarter, a department failed to determine whether applications were administratively complete within 30 days after receiving the applications, then the department would be required to devote resources to eliminate any backlog and satisfy processing deadline requirements. A department director's annual report to legislative committees would have to include information on the department's failure to meet those processing deadlines. The report must also include information on how the department attempted to correct the situation for new applications in the next fiscal quarter and whether the department was successful.

MCL 324.1303 et al.

FISCAL IMPACT:

Senate Bill 275 would make changes to Part 13 of NREPA and require that any department or agency that issues environmental permits under Part 13 must direct additional resources to that program if it fails to approve or deny 10% or more of the applications for a specific permit before the processing deadline established in statute. These additional resources must be devoted to help eliminate any backlog of permits and help the program reach the processing deadlines in the next fiscal quarter. The fiscal impact to a department and how programs would be affected from the redirection of resources to the processing of specific permits is indeterminate at this time.

Departments may incur additional administrative costs from the bill's requirements that the permitting report currently required under Sec. 1311 also include additional information concerning these permits that do not meet this processing deadline. The report must now include which permits did not meet the 10% threshold, what percentage of total applications did not meet the deadline, how the department worked to eliminate any backlog, and how successful the department was with these specific permits in the following fiscal quarter.

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