

**SUBSTITUTE FOR
HOUSE BILL NO. 5003**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 3104, 3110, 3118, 3120, 4104, 11135, 11153,
30104, 30109, 32312, and 32513 (MCL 324.3104, 324.3110, 324.3118,
324.3120, 324.4104, 324.11135, 324.11153, 324.30104, 324.30109,
324.32312, and 324.32513), section 3104 as amended by 2018 PA 518,
sections 3110, 4104, 11135, and 11153 as amended by 2017 PA 90, and
sections 3118, 3120, 30104, 30109, 32312, and 32513 as amended by
2019 PA 84.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 resources of ~~the~~**this** 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 of
5 natural or present watercourses of all rivers and streams in this
6 state to ensure 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 of
11 congress that may be of assistance in carrying out the purposes of
12 this part, including the water resources planning act, 42 USC 1962
13 to 1962d-3, and the federal water pollution control act, 33 USC
14 1251 to 1388.

15 (2) To address discharges of aquatic nuisance species from
16 oceangoing vessels that damage water quality, aquatic habitat, or
17 fish or wildlife, the department shall facilitate the formation of
18 a Great Lakes aquatic nuisance species coalition. The Great Lakes
19 aquatic nuisance species coalition ~~shall~~**must** be formed through an
20 agreement entered into with other states in the Great Lakes basin
21 to implement on a basin-wide basis water pollution laws that
22 prohibit the discharge of aquatic nuisance species into the Great
23 Lakes from oceangoing vessels. Upon entering into the agreement,
24 the department shall notify the Canadian Great Lakes provinces of
25 the terms of the agreement. The department shall seek funding from
26 the Great Lakes protection fund authorized under part 331 to
27 implement the Great Lakes aquatic nuisance species coalition.

28 (3) The department shall report to the governor and ~~to~~**the**
29 legislature at least annually on any plans or projects being

1 implemented or considered for implementation. The report ~~shall~~**must**
2 include requests for ~~any~~ legislation needed to implement any
3 proposed projects or agreements made necessary as a result of a
4 plan or project, together with any requests for appropriations. The
5 department may make recommendations to the governor on the
6 designation of areawide water quality planning regions and
7 organizations relative to the governor's responsibilities under the
8 federal water pollution control act, 33 USC 1251 to 1388.

9 (4) A person shall not alter a floodplain except as authorized
10 by a floodplain permit issued by the department ~~pursuant to~~**under**
11 part 13. An application for a floodplain permit must include
12 information required by the department to assess the proposed
13 alteration's impact on the floodplain. If an alteration includes
14 activities at multiple locations in a floodplain, 1 application may
15 be filed for combined activities.

16 (5) Except as otherwise provided in this section, until
17 October 1, ~~2024,~~**2025**, an application for a floodplain permit must
18 be accompanied by a fee of \$500.00. Until October 1, ~~2024,~~**2025**, if
19 the department determines that engineering computations are
20 required to assess the impact of a proposed floodplain alteration
21 on flood stage or discharge characteristics, the department shall
22 assess the applicant an additional \$1,500.00 to cover the
23 department's cost of review.

24 (6) After providing notice and an opportunity for a public
25 hearing, the department shall establish minor project categories of
26 activities within floodplains and floodplain projects that are
27 similar in nature, have minimal potential for causing harmful
28 interference when performed separately, and will have only minimal
29 cumulative adverse effects on the environment. All other provisions

1 of this part, except provisions applicable only to floodplain
2 general permits, are applicable to a minor project. A minor project
3 category ~~shall~~**must** not be valid for more than 5 years, but may be
4 re-established. Until October 1, ~~2024~~,**2025**, an application for a
5 floodplain permit for a minor project category must be accompanied
6 by a fee of \$100.00.

7 (7) The department, after notice and an opportunity for a
8 public hearing, shall issue general permits on a statewide basis or
9 within a local unit of government for floodplain projects that are
10 similar in nature, have minimal potential for causing harmful
11 interference when performed separately, and will have only minimal
12 cumulative adverse effects on the environment. A general permit
13 category ~~shall~~**must** not be valid for more than 5 years, but may be
14 re-established. Until October 1, ~~2024~~,**2025**, an application for a
15 floodplain permit for a general permit category must be accompanied
16 by a fee of \$50.00.

17 (8) By December 31, 2019, the department shall propose new
18 minor project and general project categories as authorized under
19 subsections (6) and (7).

20 (9) The department may issue, deny, or impose conditions on
21 project activities authorized under a floodplain permit for a minor
22 project category or a general permit category if the conditions are
23 designed to remove an impairment to a river and its floodplain, or
24 to mitigate the effects of the project. The department may also
25 establish a reasonable time when the proposed project is to be
26 completed or terminated.

27 (10) If the department determines that activity in a proposed
28 project, although within a floodplain minor project category or a
29 floodplain general permit category, is likely to cause more than

1 minimal adverse environmental effects, the department may require
2 that the application be processed according to subsection (5).

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

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

11 (13) A project that requires review and approval under this
12 part and 1 or more of the following is subject to only the single
13 highest permit fee required under this part or the following:

14 (a) Part 301.

15 (b) Part 303.

16 (c) Part 323.

17 (d) Part 325.

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

20 Sec. 3110. (1) Each industrial or commercial entity, other
21 than a concentrated animal feed operation, that discharges liquid
22 wastes into any surface water or groundwater or underground or on
23 the ground other than through a public sanitary sewer shall have
24 waste treatment or control facilities under the specific
25 supervision and control of ~~persons~~ **individuals** who ~~have been~~ **are**
26 certified by the department as properly qualified to operate the
27 facilities. The department shall examine all supervisory personnel
28 having supervision and control of the facilities, other than a
29 concentrated animal feed operation, and certify that the ~~persons~~

1 **individuals** are properly qualified to operate or supervise the
2 facilities.

3 (2) The department may conduct a program for training ~~persons~~
4 **individuals** seeking to be certified as operators or supervisors
5 under subsection (1), section 4104, or section 9 of the safe
6 drinking water act, 1976 PA 399, MCL 325.1009. Until October 1,
7 ~~2021, 2025~~, the department may charge a fee based on the costs to
8 the department of operating this training program. The fees ~~shall~~
9 **must** be deposited into the operator training and certification fund
10 created in section 3134.

11 (3) The department shall administer certification operator
12 programs for ~~persons~~**individuals** seeking to be certified as
13 operators or supervisors under subsection (1), section 4104, or
14 section 9 of the safe drinking water act, 1976 PA 399, MCL
15 325.1009. ~~A person wishing~~**An individual that wishes** to become
16 certified as an operator or a supervisor shall submit an
17 application to the department ~~containing~~**that contains the**
18 information required by the department. Information submitted as
19 part of the application ~~shall~~**must** be considered part of the
20 examination for certification. Until October 1, ~~2021, 2025~~, the
21 department may charge a certification examination fee and a
22 certification renewal fee in accordance with the following fee
23 schedule:

24 (a) For certification examinations under subsection (1), the
25 following fees apply:

26 (i) Industrial wastewater certification level 1 or 2
27 examination as described under subrule (2) of R 323.1253 of the
28 Michigan Administrative Code, \$35.00.

29 (ii) Industrial wastewater certification level 3 examination as

1 described under subrule (2) of R 323.1253 of the Michigan
2 Administrative Code, \$40.00.

3 (iii) Industrial wastewater special classification A-1a
4 examination or noncontact cooling water A-1h examination as
5 described under subrule (2) of R 323.1253 of the Michigan
6 Administrative Code, \$30.00.

7 (iv) ~~Storm water~~**Stormwater** industrial certification A-1i
8 examination as described under subrule (2) of R 323.1253 of the
9 Michigan Administrative Code, \$30.00.

10 (b) For certification examinations under section 4104, the
11 following fees apply:

12 (i) Municipal wastewater certification level A, B, C, or D
13 examination as described under subrule (1) of R 299.2911 of the
14 Michigan Administrative Code, \$70.00.

15 (ii) Municipal wastewater certification level L2 examination as
16 described under subrule (3) (a) of R 299.2911 of the Michigan
17 Administrative Code, \$45.00.

18 (iii) Municipal wastewater certification level L1 examination as
19 described under subrule (3) (b) of R 299.2911 of the Michigan
20 Administrative Code, \$45.00.

21 (iv) Municipal wastewater certification level SC examination as
22 described under subrule (4) of R 299.2911 of the Michigan
23 Administrative Code, \$45.00.

24 (c) For certification examinations under section 9 of the safe
25 drinking water act, 1976 PA 399, MCL 325.1009, for operators of the
26 following systems, the following fees apply:

27 (i) Drinking water complete treatment system classes F-1, F-2,
28 F-3, or F-4 as described under subrule (1) of R 325.11901 of the
29 Michigan Administrative Code, \$70.00.

1 (ii) Drinking water limited treatment system classes D-1, D-2,
2 D-3, or D-4 as described under subrule (2) of R 325.11901 of the
3 Michigan Administrative Code, \$70.00.

4 (iii) Drinking water distribution system classes S-1, S-2, S-3,
5 or S-4 as described under R 325.11902 of the Michigan
6 Administrative Code, \$70.00.

7 (iv) Drinking water complete treatment system class F-5 as
8 described under subrule (1) of R 325.11901 of the Michigan
9 Administrative Code, \$45.00.

10 (v) Drinking water limited treatment system class D-5 as
11 described under subrule (2) of R 325.11901 of the Michigan
12 Administrative Code, \$45.00.

13 (vi) Drinking water distribution system class S-5 as described
14 under R 325.11902 of the Michigan Administrative Code, \$45.00.

15 (d) For certification renewals under subsection (1), the
16 following fees apply:

17 (i) ~~Storm water~~**Stormwater** industrial certification A-1i as
18 described under subrule (2) of R 323.1253 of the Michigan
19 Administrative Code, \$95.00.

20 (ii) ~~Storm water~~**Stormwater** construction certification A-1j as
21 described under subrule (2) of R 323.1253 of the Michigan
22 Administrative Code, \$95.00.

23 (iii) All other industrial wastewater certification levels 1, 2,
24 or 3 as described under subrule (2) of R 323.1253 of the Michigan
25 Administrative Code and issued on a single certificate, \$95.00.

26 (e) For certification renewals under section 4104 for all
27 municipal wastewater certification levels as described under R
28 299.2911 of the Michigan Administrative Code and issued on a single
29 certificate, \$95.00.

1 (f) For certification renewals under section 9 of the safe
2 drinking water act, 1976 PA 399, MCL 325.1009, for all drinking
3 water certification levels as described under R 325.11901 or R
4 325.11902 of the Michigan Administrative Code and issued on a
5 single certificate, \$95.00.

6 (4) The failure to pay a required certification examination
7 fee within 90 days after taking an examination is considered
8 failure of the examination. The department shall not allow an
9 individual to take a future examination within the failed
10 examination program unless he or she pays the prior fee in full.

11 (5) The department shall conduct a program for persons or
12 organizations seeking to offer approved continuing education
13 courses to be used by certified operators and supervisors when
14 renewing their certifications under subsection (1), section 4104,
15 and section 9 of the safe drinking water act, 1976 PA 399, MCL
16 325.1009. The department may charge continuing education providers
17 a course application fee and course renewal fee as provided in the
18 following fee schedule:

19 (a) An application for approval of a training course, \$75.00
20 for each course.

21 (b) An application for renewal of an approved training course,
22 \$50.00 for each course.

23 (6) All fees collected under this section ~~shall~~**must** be
24 deposited in the operator training and certification fund
25 ~~established~~**created** in section 3134.

26 (7) ~~A person~~**An individual** certified as required by subsection
27 (1) shall file monthly, or at ~~such~~ longer intervals as the
28 department may designate, on forms provided by the department,
29 reports showing the effectiveness of the treatment or control

1 facility operation and the quantity and quality of discharged
2 liquid wastes. If ~~a person~~ **an individual** knowingly makes a false
3 statement in a report, the department may revoke his or her
4 certificate as an approved treatment facility operator.

5 (8) This section does not apply to water, gas, or other
6 material that is injected into a well to facilitate production of
7 oil or gas or to water derived in association with oil or gas
8 production and disposed of in a well, if the well is used either to
9 facilitate production or for disposal purposes and is under permit
10 by the state supervisor of wells.

11 Sec. 3118. (1) Except as otherwise provided in this section,
12 until October 1, ~~2023,~~ **2025**, the department shall collect the
13 following stormwater discharge fees from persons that apply for or
14 have been issued stormwater discharge permits:

15 (a) A 1-time fee of \$400.00 for a permit related solely to a
16 site of construction activity for each permitted site. The fee
17 ~~shall~~ **must** be submitted with the application for an individual
18 permit or for a certificate of coverage under a general permit. For
19 a permit by rule, the fee ~~shall~~ **must** be submitted by the
20 construction site permittee with the notice of coverage. A person
21 needing more than 1 permit may submit a single payment for more
22 than 1 permit and receive appropriate credit. Payment of the fee
23 under this subdivision or verification of prepayment is a necessary
24 part of a valid permit application or notice of coverage under a
25 permit by rule.

26 (b) An annual fee of \$260.00 for a permit related solely to a
27 stormwater discharge associated with industrial activity or from a
28 commercial site for which the department determines a permit is
29 needed.

1 (c) Except as provided in subdivision (d), (e), or (f), an
2 annual fee of \$500.00 for a permit for a municipal separate storm
3 sewer system.

4 (d) For a permit for a municipal separate storm sewer system
5 issued to a city, village, or township, an annual fee determined by
6 its population in an urbanized area as defined by the United States
7 Bureau of the Census and, except as provided in subsection (11),
8 based on the latest available decennial census, as follows:

9 (i) For a population of 1,000 people or fewer, \$500.00.

10 (ii) For a population of more than 1,000 people, but fewer than
11 3,001 people, \$1,000.00.

12 (iii) For a population of more than 3,000 people, but fewer than
13 10,001 people, \$2,000.00.

14 (iv) For a population of more than 10,000 people, but fewer
15 than 30,001 people, \$3,000.00.

16 (v) For a population of more than 30,000 people, but fewer
17 than 50,001 people, \$4,000.00.

18 (vi) For a population of more than 50,000 people, but fewer
19 than 75,001 people, \$5,000.00.

20 (vii) For a population of more than 75,000 people, but fewer
21 than 100,001 people, \$6,000.00.

22 (viii) For a population of more than 100,000 people, \$7,000.00.

23 (e) An annual fee of \$3,000.00 for a permit for a municipal
24 separate storm sewer system issued to a county.

25 (f) For a single municipal separate storm sewer systems permit
26 authorizing a state or federal agency to operate municipal separate
27 storm sewer systems in multiple locations statewide, an annual fee
28 determined pursuant to a memorandum of understanding between that
29 state or federal agency and the department and based on the

1 projected costs of the department to administer the permit.

2 (2) A stormwater discharge permit is not required for a
3 municipality that does not own or operate a separate storm sewer
4 system. The department shall not collect stormwater discharge fees
5 under this section from a municipality that does not own or operate
6 a separate storm sewer system.

7 (3) Permit fees required under this section are nonrefundable.

8 (4) A person possessing a permit not related solely to a site
9 of construction activity as of January 1 shall be assessed a fee.
10 The department shall notify those persons of their fee assessments
11 by February 1. Payment ~~shall~~**must** be postmarked no later than March
12 15. Failure by the department to send a person a fee assessment
13 notification by the deadline, or failure of a person to receive a
14 fee assessment notification, does not relieve that person of the
15 obligation to pay the fee. If the department does not meet the
16 February deadline for sending the fee assessment, the fee
17 assessment is due not later than 45 days after the permittee
18 receives a fee notification.

19 (5) If a stormwater permit is issued for a drainage district,
20 the drainage district is responsible for the applicable fee under
21 this section.

22 (6) The department shall assess interest on all fee payments
23 submitted under this section after the due date. The permittee
24 shall pay an additional amount equal to 0.75% of the payment due
25 for each month or portion of a month the payment remains past due.

26 (7) The department shall forward fees and interest payments
27 collected under this section to the state treasurer for deposit
28 into the fund.

29 (8) The department shall require the payment of the fee

1 assessed under this section as a condition of issuance or
2 reissuance of a permit not related solely to a site of construction
3 activity.

4 (9) In addition to any other penalty provided in this part, if
5 a person fails to pay the fee required under this section by its
6 due date, the person is in violation of this part and the
7 department may undertake enforcement actions as authorized under
8 this part.

9 (10) The attorney general may bring an action to collect
10 overdue fees and interest payments imposed under this section.

11 (11) If the permit is for a municipal separate storm sewer
12 system and the population served by that system is different than
13 that determined by the latest decennial census, the permittee may
14 appeal the annual fee determination and submit written verification
15 of actual population served by the municipal separate storm sewer
16 system.

17 (12) A person ~~who~~**that** wishes to appeal either a fee or a
18 penalty assessed under this section is limited to an administrative
19 appeal under section 631 of the revised judicature act of 1961,
20 1961 PA 236, MCL 600.631. The appeal ~~shall~~**must** be filed within 30
21 days after the department's fee notification under subsection (4).

22 (13) As used in this section and section 3119:

23 (a) "Certificate of coverage" means a document issued by the
24 department that authorizes a discharge under a general permit.

25 (b) "Clean water act" means the federal water pollution
26 control act, 33 USC 1251 to 1388.

27 (c) "Construction activity" means a human-made earth change or
28 disturbance in the existing cover or topography of land that is 5
29 acres or more in size, for which a national permit is required

1 pursuant to 40 CFR 122.26(a), and which is described as a
2 construction activity in 40 CFR 122.26(b)(14)(x). Construction
3 activity includes clearing, grading, and excavating activities.
4 Construction activity does not include the practice of clearing,
5 plowing, tilling soil, and harvesting for the purpose of crop
6 production.

7 (d) "Fee" means a stormwater discharge fee authorized under
8 this section.

9 (e) "Fund" means the stormwater fund created in section 3119.

10 (f) "General permit" means a permit issued authorizing a
11 category of similar discharges.

12 (g) "Individual permit" means a site-specific permit.

13 (h) "Municipal separate storm sewer system" means all separate
14 storm sewers that are owned or operated by the United States or a
15 state, city, village, township, county, district, association, or
16 other public body created by or pursuant to state law, having
17 jurisdiction over disposal of sewage, industrial wastes,
18 stormwater, or other wastes, including special districts under
19 state law, such as a sewer district, flood control district, or
20 drainage district or similar entity, or a designated or approved
21 management agency under section 208 of the clean water act, 33 USC
22 1288, that discharges to waters of the state. Municipal separate
23 storm sewer system includes systems similar to separate storm sewer
24 systems in municipalities, such as systems at military bases, large
25 hospital or prison complexes, and highways and other thoroughfares.
26 Municipal separate storm sewer system does not include separate
27 storm sewers in very discrete areas, such as individual buildings.

28 (i) "Notice of coverage" means a notice that a person engaging
29 in construction activity agrees to comply with a permit by rule for

1 that activity. A notice of coverage is not required to include a
2 copy of an individual permit issued under part 91 if the notice of
3 coverage includes a copy of a permit for the construction activity
4 issued under part 615, 625, 631, 632, or 634, along with any forms
5 or diagrams pertaining to soil erosion and sedimentation control
6 that were part of the application for that permit.

7 (j) "Permit", unless the context implies otherwise, or
8 "stormwater discharge permit" means a permit authorizing the
9 discharge of wastewater or any other substance to surface waters of
10 the state under the national pollutant discharge elimination
11 system, pursuant to the clean water act or this part and the
12 regulations or rules promulgated under that act or this part.

13 (k) "Public body" means the United States, this state, a city,
14 village, township, county, school district, public college or
15 university, or single purpose governmental agency, or any other
16 body that is created by federal or state law.

17 (l) "Separate storm sewer system" means a system of drainage,
18 including, but not limited to, roads, catch basins, curbs, gutters,
19 parking lots, ditches, conduits, pumping devices, or man-made
20 channels, that has the following characteristics:

21 (i) The system is not a combined sewer where stormwater mixes
22 with sanitary wastes.

23 (ii) The system is not part of a publicly owned treatment
24 works.

25 (m) "Stormwater" means stormwater runoff, snowmelt runoff, and
26 surface runoff and drainage.

27 (n) "Stormwater discharge associated with industrial activity"
28 means a point source discharge of stormwater from a facility that
29 is considered to be engaging in industrial activity under 40 CFR

1 122.26(b) (14) (i) to (ix) and (xi).

2 Sec. 3120. (1) Until October 1, ~~2023~~,**2025**, an application for
3 a new permit, a reissuance of a permit, or a modification of an
4 existing permit under this part authorizing a discharge into
5 surface water, other than a storm water discharge, ~~shall~~**must** be
6 accompanied by an application fee as follows:

7 (a) For an EPA major facility permit, \$750.00.

8 (b) For an EPA minor facility individual permit, a CSO permit,
9 or a wastewater stabilization lagoon individual permit, \$400.00.

10 (c) For an EPA minor facility general permit, \$75.00.

11 (2) Within 180 days after receipt of a complete application
12 for a new or increased use permit, the department shall either
13 grant or deny the permit, unless the applicant and the department
14 agree to extend this time period.

15 (3) By September 30 of the year following the submittal of a
16 complete application for reissuance of a permit, the department
17 shall either grant or deny the permit, unless the applicant and the
18 department agree to extend this time period.

19 (4) If the department fails to make a decision on an
20 application within the applicable time period under subsection (2)
21 or (3), all of the following apply:

22 (a) The department shall return to the applicant the
23 application fee submitted under subsection (1).

24 (b) The applicant is not subject to an application fee.

25 (c) The applicant shall receive a 15% annual discount on an
26 annual permit fee required for a permit issued based on that
27 application.

28 (5) Until October 1, ~~2023~~,**2025**, a person who receives a
29 permit under this part authorizing a discharge into surface water,

1 other than a stormwater discharge, is subject to an annual permit
2 fee as follows:

3 (a) For an industrial or commercial facility that is an EPA
4 major facility, \$8,700.00.

5 (b) For an industrial or commercial facility that is an EPA
6 minor facility, the following amount:

7 (i) For a general permit for a low-flow facility, \$150.00.

8 (ii) For a general permit for a high-flow facility, \$400.00.

9 (iii) For an individual permit for a low-flow facility,
10 \$1,650.00.

11 (iv) For an individual permit for a high-flow facility,
12 \$3,650.00.

13 (c) For a municipal facility that is an EPA major facility,
14 the following amount:

15 (i) For an individual permit for a facility discharging 500 MGD
16 or more, \$213,000.00.

17 (ii) For an individual permit for a facility discharging 50 MGD
18 or more but less than 500 MGD, \$20,000.00.

19 (iii) For an individual permit for a facility discharging 10 MGD
20 or more but less than 50 MGD, \$13,000.00.

21 (iv) For an individual permit for a facility discharging less
22 than 10 MGD, \$5,500.00.

23 (d) For a municipal facility that is an EPA minor facility,
24 the following amount:

25 (i) For an individual permit for a facility discharging 10 MGD
26 or more, \$3,775.00.

27 (ii) For an individual permit for a facility discharging 1 MGD
28 or more but less than 10 MGD, \$3,000.00.

29 (iii) For an individual permit for a facility discharging less

1 than 1 MGD, \$1,950.00.

2 (iv) For a general permit for a high-flow facility, \$600.00.

3 (v) For a general permit for a low-flow facility, \$400.00.

4 (e) For a municipal facility that is a CSO facility,
5 \$6,000.00.

6 (f) For an individual permit for a wastewater stabilization
7 lagoon, \$1,525.00.

8 (g) For an individual or general permit for an agricultural
9 purpose, \$600.00, unless either of the following applies:

10 (i) The facility is an EPA minor facility and would qualify for
11 a general permit for a low-flow facility, in which case the fee is
12 \$150.00.

13 (ii) The facility is an EPA major facility that is not a
14 farmers' cooperative corporation, in which case the fee is
15 \$8,700.00.

16 (h) For a facility that holds a permit issued under this part
17 but has no discharge and is connected to and is authorized to
18 discharge only to a municipal wastewater treatment system, an
19 annual permit maintenance fee of \$100.00. However, if a facility
20 does have a discharge or at some time is no longer connected to a
21 municipal wastewater treatment system, the annual permit fee ~~shall~~
22 **must** be the appropriate fee as otherwise provided in this
23 subsection.

24 (6) If the person required to pay an application fee under
25 subsection (1) or an annual permit fee under subsection (5) is a
26 municipality, the municipality may pass on the application fee or
27 the annual permit fee, or both, to each user of the municipal
28 facility.

29 (7) The department shall send invoices for annual permit fees

1 under subsection (5) to all permit holders by December 1 of each
2 year. A fee ~~shall~~**must** be based on the status of the facility as of
3 October 1 of that year. A person subject to an annual permit fee
4 shall pay the fee not later than January 15 of each year. Failure
5 by the department to send a person an invoice by December 1, or
6 failure of a person to receive an invoice, does not relieve that
7 person of the obligation to pay the annual permit fee. If the
8 department does not send invoices by December 1, the annual permit
9 fee is due not later than 45 days after the permittee receives an
10 invoice. The department shall forward annual permit fees received
11 under this section to the state treasurer for deposit into the
12 national pollutant discharge elimination system fund created in
13 section 3121.

14 (8) The department shall assess a penalty on all annual permit
15 fee payments submitted under this section after the due date. The
16 penalty is 0.75% of the payment due for each month or portion of a
17 month the payment remains past due.

18 (9) Following payment of an annual permit fee, if a permittee
19 wishes to challenge its annual permit fee under this section, the
20 owner or operator shall submit the challenge in writing to the
21 department. The department shall not process the challenge unless
22 it is received by the department by March 1 of the year the payment
23 is due. A challenge ~~shall~~**must** identify the facility and state the
24 grounds upon which the challenge is based. Within 30 calendar days
25 after receipt of the challenge, the department shall determine the
26 validity of the challenge and provide the permittee with
27 notification of a revised annual permit fee and a refund, if
28 appropriate, or a statement setting forth the reason or reasons why
29 the annual permit fee was not revised. If the owner or operator of

1 a facility desires to further challenge its annual permit fee, the
2 owner or operator of the facility has an opportunity for a
3 contested case hearing as provided for under the administrative
4 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

5 (10) The attorney general may bring an action for the
6 collection of the annual permit fee imposed under this section.

7 (11) As used in this section:

8 (a) "Agricultural purpose" means the agricultural production
9 or processing of those plants and animals useful to human beings
10 produced by agriculture and includes, but is not limited to,
11 forages and sod crops, grains and feed crops, field crops, dairy
12 animals and dairy products, poultry and poultry products, cervidae,
13 livestock, including breeding and grazing, equine, fish and other
14 aquacultural products, bees and bee products, berries, herbs,
15 fruits, vegetables, flowers, seeds, grasses, nursery stock, trees
16 and tree products, mushrooms, and other similar products, or any
17 other product, as determined by the commission of agriculture and
18 rural development, that incorporates the use of food, feed, fiber,
19 or fur. Agricultural purpose includes an operation or facility that
20 produces wine.

21 (b) "Combined sewer overflow" means a discharge from a
22 combined sewer system that occurs when the flow capacity of the
23 combined sewer system is exceeded at a point ~~prior to~~ **before** the
24 headworks of a publicly owned treatment works during wet weather
25 conditions.

26 (c) "Combined sewer system" means a sewer designed and used to
27 convey both storm water runoff and sanitary sewage, and that
28 contains lawfully installed regulators and control devices that
29 allow for delivery of sanitary flow to treatment during dry weather

1 periods and divert ~~storm water~~**stormwater** and sanitary sewage to
2 surface waters during storm flow periods.

3 (d) "CSO facility" means a facility whose discharge is solely
4 a combined sewer overflow.

5 (e) "EPA major facility" means a major facility as defined in
6 40 CFR 122.2.

7 (f) "EPA minor facility" means a facility that is not an EPA
8 major facility.

9 (g) "Farmers' cooperative corporation" means a farmers'
10 cooperative corporation organized within the limitations of section
11 98 of 1931 PA 327, MCL 450.98.

12 (h) "General permit" means a permit suitable for use at
13 facilities meeting eligibility criteria as specified in the permit.
14 With a general permit, the discharge from a specific facility is
15 acknowledged through a certificate of coverage issued to the
16 facility.

17 (i) "High-flow facility" means a facility that discharges 1
18 MGD or more.

19 (j) "Individual permit" means a permit developed for a
20 particular facility, taking into account that facility's specific
21 characteristics.

22 (k) "Industrial or commercial facility" means a facility that
23 is not a municipal facility.

24 (l) "Low-flow facility" means a facility that discharges less
25 than 1 MGD.

26 (m) "MGD" means 1,000,000 gallons per day.

27 (n) "Municipal facility" means a facility that is designed to
28 collect or treat sanitary wastewater, is either publicly or
29 privately owned, and serves a residential area or a group of

1 municipalities.

2 (o) "Wastewater stabilization lagoon" means a treatment system
3 constructed of ponds or basins designed to receive, hold, and treat
4 sanitary wastewater for a predetermined amount of time through a
5 combination of physical, biological, and chemical processes.

6 Sec. 4104. (1) The department may promulgate and enforce rules
7 ~~as that~~ the department considers necessary governing and providing
8 a method of conducting and operating all or a part of sewerage
9 systems including sewage treatment works. The department shall
10 classify sewage treatment works with regard to size, type,
11 location, and other physical conditions affecting those works and
12 according to the skill, knowledge, experience, and character that
13 the ~~person~~**individual** who is in charge of the active operation of
14 the sewage treatment works must possess to successfully operate the
15 works and ~~to~~ prevent the discharge of deleterious matter capable of
16 being injurious to **the** public health or other public interests. The
17 department shall examine or provide for the examination of ~~persons~~
18 **individuals** as to their qualifications to operate sewage treatment
19 works. The department shall promulgate rules regarding the
20 classification of sewage treatment works, the examinations for
21 certification of operators for those works, and the issuance and
22 revocation of certificates, and shall issue and revoke certificates
23 as provided in those rules. Every sewage treatment works subject to
24 this part ~~shall~~**must** be under the supervision of a properly
25 certified operator, except that this section does not require the
26 employment of a certified operator in a waste treatment works that
27 receives only wastes that are not potentially prejudicial to the
28 public health.

29 (2) As provided in section 3110, the department may conduct a

1 program for training ~~persons~~**individuals** seeking to be certified as
 2 operators under subsection (1) and shall administer operator
 3 certification programs for ~~persons~~**individuals** seeking to be
 4 certified as operators under subsection (1). Until October 1, 2021,
 5 **2025**, the department may charge fees for these programs as provided
 6 in section 3110. The department shall transmit fees collected under
 7 this section to the state treasurer for deposit into the operator
 8 training and certification fund created in section 3134.

9 Sec. 11135. (1) A hazardous waste generator shall provide a
 10 separate manifest to the transporter for each load of hazardous
 11 waste transported to property that is not on the site where it was
 12 generated. ~~Until October 1, 2021, a person required to prepare a~~
 13 ~~manifest shall submit to the department a manifest processing user~~
 14 ~~charge of \$8.00 per manifest and his or her tax identification~~
 15 ~~number. Money collected under this subsection shall be forwarded to~~
 16 ~~the state treasurer for deposit into the environmental pollution~~
 17 ~~prevention fund created in section 11130.~~

18 ~~(2) Manifest processing user charges under subsection (1)~~
 19 ~~shall be paid using a form provided by the department. The~~
 20 ~~department shall send a form to each person subject to the manifest~~
 21 ~~processing user charge by March 30 of each year. The form shall~~
 22 ~~specify the number of manifests prepared by that person and~~
 23 ~~processed by the department during the previous calendar year. A~~
 24 ~~person subject to the manifest processing user charge shall return~~
 25 ~~the completed form and the appropriate payment to the department by~~
 26 ~~April 30 of each year.~~

27 **(2)** ~~(3)~~A person ~~who~~**that** fails to provide timely and accurate
 28 information ~~, or~~ a complete form ~~, or the appropriate manifest~~
 29 ~~processing user charge~~ as provided for in this section is in

1 violation of this part. ~~and is subject to both of the following:~~

2 ~~(a) Payment of the manifest processing user charge and an~~
3 ~~administrative fine of 5% of the amount owed for each month that~~
4 ~~the payment is delinquent. Any payments received after the~~
5 ~~fifteenth day of the month after the due date are delinquent for~~
6 ~~that month. However, the administrative fine shall not exceed 25%~~
7 ~~of the total amount owed.~~

8 ~~(b) Beginning 5 months after the date payment of the manifest~~
9 ~~user charge is due, but not paid, at the request of the department,~~
10 ~~an action by the attorney general for the collection of the amount~~
11 ~~owed under subdivision (a) and the actual cost to the department in~~
12 ~~attempting to collect the amount owed under subdivision (a).~~

13 ~~(4) Any amounts collected under subsection (3) for a violation~~
14 ~~of this section shall be forwarded to the state treasurer and~~
15 ~~deposited in the environmental pollution prevention fund created in~~
16 ~~section 11130.~~

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

20 ~~(6) The department shall evaluate the effectiveness and~~
21 ~~adequacy of the manifest processing user charges collected under~~
22 ~~this section relative to the overall revenue needs of the state's~~
23 ~~hazardous waste management program administered under this part.~~
24 ~~Not later than April 1 of each even numbered year, the department~~
25 ~~shall submit to the legislature a report summarizing its findings~~
26 ~~under this subsection.~~

27 **(3)** ~~(7)~~A generator shall include on the manifest details as
28 specified by the department and shall at least include a sufficient
29 qualitative and quantitative analysis and a physical description of

1 the hazardous waste to evaluate toxicity and methods of
 2 transportation, storage, and disposal. The manifest ~~also shall~~ **must**
 3 include safety precautions as necessary for each load of hazardous
 4 waste. The generator shall submit to the department a copy of the
 5 manifest within 10 days after the end of the month for each load of
 6 hazardous waste transported within that month.

7 (4) ~~(8)~~—A generator shall certify that the information
 8 contained on a manifest prepared by the generator is accurate.

9 (5) ~~(9)~~—The specified destination of each load of hazardous
 10 waste identified on the manifest ~~shall~~ **must** be a designated
 11 facility.

12 (6) ~~(10)~~—If a generator does not receive a copy of the
 13 manifest with the handwritten signature of the owner or operator of
 14 the designated facility within 35 days after the date on which the
 15 hazardous waste was accepted by the initial transporter, the
 16 generator shall contact the transporter to determine the status of
 17 the hazardous waste. If the generator is unable to determine the
 18 status of the hazardous waste upon contacting the transporter, the
 19 generator shall contact the owner or operator of the designated
 20 facility to which the hazardous waste was to be transported to
 21 determine the status of the hazardous waste.

22 (7) ~~(11)~~—A generator shall submit an exception report to the
 23 department if the generator has not received a copy of the manifest
 24 with the handwritten signature of the owner or operator of the
 25 designated facility within 45 days after the date on which the
 26 hazardous waste was accepted by the initial transporter. The
 27 exception report ~~shall~~ **must** include all of the following:

28 (a) A legible copy of the manifest.

29 (b) A cover letter signed by the generator or the generator's

1 authorized representative explaining the efforts taken to locate
2 the hazardous waste and the results of those efforts.

3 (8) ~~(12)~~A generator shall keep a copy of each manifest signed
4 and dated by the initial transporter for 3 years or until the
5 generator receives a signed and dated copy from the owner or
6 operator of the designated facility that received the hazardous
7 waste. The generator shall keep the copy of the manifest signed and
8 dated by the owner or operator of the designated facility for 3
9 years. The retention periods required by this subsection are
10 automatically extended during the course of any unresolved
11 enforcement action regarding the regulated activity or as required
12 by the department.

13 Sec. 11153. (1) A generator, transporter, or treatment,
14 storage, or disposal facility shall obtain and utilize a site
15 identification number assigned by the United States Environmental
16 Protection Agency or the department. Until October 1, ~~2021,~~2025,
17 the department shall assess a site identification number user
18 charge of \$50.00 for each site identification number it issues. The
19 department shall not issue a site identification number under this
20 subsection unless the site identification number user charge and
21 the tax identification number for the person applying for the site
22 identification number have been received by the department.

23 (2) Until October 1, ~~2021,~~2025, the department shall annually
24 assess hazardous waste management program user charges as follows:

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

27 (i) A generator ~~who~~**that** generates more than 100 kilograms but
28 less than 1,000 kilograms of hazardous waste in any month during
29 the calendar year shall pay to the department an annual handler

1 user charge of \$100.00.

2 (ii) A generator ~~who~~**that** generates 1,000 kilograms or more of
3 hazardous waste in any month during the calendar year and ~~who~~**that**
4 generates less than 900,000 kilograms during the calendar year
5 shall pay to the department an annual handler user charge of
6 \$400.00.

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

12 (b) An owner or operator of a treatment, storage, or disposal
13 facility for which an operating license is required under section
14 11123 or for which an operating license ~~has been~~**is** issued under
15 section 11125 shall pay to the department an annual handler user
16 charge of \$2,000.00.

17 (c) A used oil processor or rerefiner, a used oil burner, or a
18 used oil fuel marketer as defined in the rules promulgated under
19 this part shall pay to the department an annual handler user charge
20 of \$100.00.

21 (3) A handler shall pay the handler user charge specified in
22 subsection (2)(a) to (c) for each of the activities conducted
23 during the previous calendar year.

24 (4) Handler user charges ~~shall~~**must** be paid using a form
25 provided by the department. The handler shall certify that the
26 information on the form is accurate. The department shall send
27 forms to the handlers by March 30 of each year. A handler shall
28 return the completed forms and the appropriate payment to the
29 department by April 30 of each year.

1 (5) A handler ~~who~~**that** fails to provide timely and accurate
2 information, a complete form, or the appropriate handler user
3 charge is in violation of this part and is subject to both of the
4 following:

5 (a) Payment of the handler user charge and an administrative
6 fine of 5% of the amount owed for each month that the payment is
7 delinquent. Any payments received after the fifteenth of the month
8 after the due date are delinquent for that month. However, the
9 administrative fine ~~shall~~**must** not exceed 25% of the total amount
10 owed.

11 (b) Beginning 5 months after the date payment of the handler
12 user charge is due, if the amount owed under subdivision (a) is not
13 paid in full, at the request of the department, an action by the
14 attorney general for the collection of the amount owed under
15 subdivision (a) and the actual cost to the department in attempting
16 to collect the amount owed under subdivision (a).

17 (6) The department shall maintain information regarding the
18 site identification number user charges and the handler user
19 charges collected under this section as necessary to satisfy the
20 reporting requirements of subsection (8).

21 (7) The site identification number user charges and the
22 handler user charges collected under this section and any amounts
23 collected under subsection (5) for a violation of this section
24 ~~shall~~**must** be forwarded to the state treasurer and deposited in the
25 environmental pollution prevention fund created in section 11130.

26 (8) The department shall evaluate the effectiveness and
27 adequacy of the site identification number user charges and the
28 handler user charges collected under this section relative to the
29 overall revenue needs of the hazardous waste management program

1 administered under this part. Not later than April 1 of each even-
 2 numbered year, the department shall submit to the legislature a
 3 report summarizing the department's findings under this subsection.

4 (9) As used in this section:

5 (a) "Handler" means the person required to pay the handler
 6 user charge.

7 (b) "Handler user charge" means an annual hazardous waste
 8 management program user charge provided for in subsection (2).

9 Sec. 30104. (1) A person shall not undertake a project subject
 10 to this part except as authorized by a permit issued by the
 11 department pursuant to part 13. An application for a permit ~~shall~~
 12 **must** include any information that may be required by the
 13 department. If a project includes activities at multiple locations,
 14 1 application may be filed for the combined activities.

15 (2) Except as provided in subsections (3) and (4), until
 16 October 1, ~~2023,~~ **2025**, an application for a permit ~~shall~~ **must** be
 17 accompanied by an application fee based on an administrative cost
 18 in accordance with the following schedule:

19 (a) For an initial permit for a seasonal drawdown or
 20 associated reflooding, or both, of a dam or impoundment for the
 21 purpose of weed control that is issued for the first time after
 22 October 9, 1995, a fee of \$500.00, but for subsequent permits for
 23 the same purpose a fee of \$50.00.

24 (b) For activities included in a minor project category
 25 established under section 30105(7), a fee of \$100.00.

26 (c) For activities included in a general permit category
 27 established under section 30105(8), a fee of \$50.00.

28 (d) For construction or expansion of a marina, a fee as
 29 follows:

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

3 (ii) \$100.00 for a new marina with 1-10 proposed marina slips.

4 (iii) \$250.00 for an expansion of 11-50 **marina** slips to an
5 existing permitted marina, plus \$10.00 for each **marina** slip over
6 50.

7 (iv) \$500.00 for a new marina with 11-50 proposed marina slips,
8 plus \$10.00 for each **marina** slip over 50.

9 (v) \$1,500.00 if an existing permitted marina proposes
10 maintenance dredging of 10,000 cubic yards or more, unless the
11 dredge material ~~has been~~ **is** determined through testing to be 90% or
12 more sand, or the addition of seawalls, bulkheads, or revetments of
13 500 feet or more.

14 (e) For major projects other than a project described in
15 subdivision (d) (v), involving any of the following, a fee of
16 \$2,000.00:

17 (i) Dredging of 10,000 cubic yards or more, unless the dredge
18 material ~~has been~~ **is** determined through testing to be 90% or more
19 sand.

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.

28 (vii) New commercial docks or wharves of 300 feet or more in

1 length.

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

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

4 (x) New golf courses.

5 (xi) Subdivisions.

6 (xii) Condominiums.

7 (f) For the removal of submerged logs from bottomland of an
8 inland lake, a \$500.00 fee.

9 (g) For all other projects not listed in subdivisions (a)
10 ~~through~~ to (f), a fee of \$500.00.

11 (3) A project that requires review and approval under this
12 part and 1 or more of the following acts or parts of acts is
13 subject to only the single highest fee required under this part or
14 the following acts or parts of acts:

15 (a) Section 3104.

16 (b) Part 303.

17 (c) Part 323.

18 (d) Part 325.

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 requirement
22 under this part and restoration is not ordered by the department,
23 the department may accept an application for a permit if the
24 application is accompanied by a fee equal to 2 times the permit fee
25 required under this section.

26 (5) If the department denies an application for a permit under
27 this part, the department shall promptly refund the application fee
28 paid under this section.

29 Sec. 30109. Upon the written request of a riparian owner and

1 upon payment of a service fee, the department may enter into a
 2 written agreement with the riparian owner establishing the location
 3 of the ordinary high-water mark for his or her property. In the
 4 absence of substantially changed conditions, the agreement is
 5 conclusive proof of the location in all matters between ~~the~~**this**
 6 state and the riparian owner and his or her successors in interest.
 7 Until October 1, ~~2023,~~**2025**, the service fee provided for in this
 8 section is \$500.00. The department shall forward service fees
 9 collected under this section to the state treasurer for deposit
 10 into the fund.

11 Sec. 32312. (1) To regulate the uses and development of high-
 12 risk areas, flood risk areas, and environmental areas and to
 13 implement the purposes of this part, the department shall
 14 promulgate rules. If permits are required under rules promulgated
 15 under this part, the permits ~~shall~~**must** be issued pursuant to the
 16 rules and part 13. Except as provided under subsection (2), until
 17 October 1, ~~2023,~~**2025**, if permits are required pursuant to rules
 18 promulgated under this part, an application for a permit ~~shall~~**must**
 19 be accompanied by a fee as follows:

20 (a) For a commercial or multifamily residential project,
 21 \$500.00.

22 (b) For a single-family home construction, \$100.00.

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

26 (2) A project that requires review and approval under this
 27 part and under 1 or more of the following is subject to only the
 28 single highest permit fee required under this part or the
 29 following:

1 (a) Part 301.

2 (b) Part 303.

3 (c) Part 325.

4 (d) Section 3104.

5 (e) Section 117 of the land division act, 1967 PA 288, MCL
6 560.117.

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

10 (4) A circuit court, upon petition and a showing by the
11 department that a rule promulgated under subsection (1) has been
12 violated, shall issue any necessary order to the defendant to
13 correct the violation or to restrain the defendant from further
14 violation of the rule.

15 Sec. 32513. (1) To obtain a permit for any activity specified
16 in section 32512, a person shall file an application with the
17 department on a form provided by the department. The application
18 ~~shall~~**must** include all of the following:

19 (a) The name and address of the applicant.

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

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

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

26 (e) Other information required by the department.

27 (2) Except as provided in subsections (3) and (4), until
28 October 1, ~~2023,~~**2025**, an application for a permit under this
29 section ~~shall~~**must** be accompanied by the following fee, as

1 applicable:

2 (a) For a project in a category of activities for which a
3 general permit is issued under section 32512a(2), a fee of \$50.00.

4 (b) For activities included in a minor project category
5 established under section 32512a(1), a fee of \$100.00.

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

7 (i) \$50.00 for an expansion of 1-10 **marina** slips to an existing
8 permitted marina.

9 (ii) \$100.00 for a new marina with 1-10 proposed marina slips.

10 (iii) \$250.00 for an expansion of 11-50 **marina** slips to an
11 existing permitted marina, plus \$10.00 for each **marina** slip over
12 50.

13 (iv) \$500.00 for a new marina with 11-50 proposed marina slips,
14 plus \$10.00 for each **marina** slip over 50.

15 (v) \$1,500.00 if an existing permitted marina proposes
16 maintenance dredging of 10,000 cubic yards or more, unless the
17 dredge material ~~has been~~**is** determined through testing to be 90% or
18 more sand, or the addition of seawalls, bulkheads, or revetments of
19 500 feet or more.

20 (d) For major projects other than a project described in
21 subdivision (c) (v), involving any of the following, a fee of
22 \$2,000.00:

23 (i) Dredging of 10,000 cubic yards or more, unless the dredge
24 material ~~has been~~**is** determined through testing to be 90% or more
25 sand.

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

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

28 (iv) Filling or draining of 1 acre or more of coastal wetland.

29 (v) New dredging or upland boat basin excavation in areas of

1 suspected contamination.

2 (vi) New breakwater or channel jetty.

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

6 (viii) New commercial dock or wharf of 300 feet or more in
7 length.

8 (e) For all other projects not listed in subdivisions (a) to
9 (d), \$500.00.

10 (3) A project that requires review and approval under this
11 part and 1 or more of the following is subject to only the single
12 highest permit fee required under this part or the following:

13 (a) Section 3104.

14 (b) Part 301.

15 (c) Part 303.

16 (d) Part 323.

17 (e) Section 117 of the land division act, 1967 PA 288, MCL
18 560.117.

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

24 (5) The department shall forward fees collected under this
25 section to the state treasurer for deposit into the land and water
26 management permit fee fund created in section 30113.