

HOUSE BILL NO. 4169

February 09, 2021, Introduced by Reps. Sowerby, Stone, Weiss, Camilleri, Cavanagh, Aiyash, Sneller, Brabec, Brixie, O'Neal, Pohutsky, Koleszar, Cynthia Johnson, Hammoud, Garza, Shannon, Cambensy, Hope, Brenda Carter, Hood, Morse, Young, Kuppa, Rabhi, Neeley, Bolden and Scott and referred to the Committee on Energy.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 1301 and 61525 (MCL 324.1301 and 324.61525),
section 1301 as amended by 2018 PA 451 and section 61525 as amended
by 2004 PA 325.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1301. As used in this part:
- 2 (a) "Application period" means the period beginning when an
- 3 application for a permit is received by the state and ending when

1 the application is considered to be administratively complete under
2 section 1305 and any applicable fee has been paid.

3 (b) "Department" means the department, agency, or officer
4 authorized by this act to approve or deny an application for a
5 particular permit. As used in sections 1315 to 1317, "department"
6 means the department of environmental quality.

7 (c) "Director" means the director of the state department
8 authorized under this act to approve or deny an application for a
9 particular permit or the director's designee. As used in sections
10 1313 to 1317, "director" means the director of the department of
11 environmental quality.

12 (d) "Environmental permit review commission" or "commission"
13 means the environmental permit review commission established under
14 section 1313(1).

15 (e) "Environmental permit panel" or "panel" means a panel of
16 the environmental permit review commission, appointed under section
17 1315(2).

18 (f) "Permit", except as provided in subdivision (g), means a
19 permit, operating license, or registration required by any of the
20 following sections or by rules promulgated ~~thereunder~~, **under any of**
21 **the following sections**, or, in the case of section 9112, by an
22 ordinance referred to in that section:

23 (i) Section 3104, floodplain alteration permit.

24 (ii) Section 3503, permit for use of water in mining iron ore.

25 (iii) Section 4105, sewerage system construction permit.

26 (iv) Section 6516, vehicle testing license.

27 (v) Section 6521, motor vehicle fleet testing permit.

28 (vi) Section 8310, restricted use pesticide dealer license.

29 (vii) Section 8310a, agricultural pesticide dealer license.

(viii) Section 8504, license to manufacture or distribute fertilizer.

(ix) Section 9112, local soil erosion and sedimentation control permit.

(x) Section 11509, solid waste disposal area construction permit.

(xi) Section 11512, solid waste disposal area operating license.

(xii) Section 11542, municipal solid waste incinerator ash landfill operating license amendment.

(xiii) Section 11702, septage waste servicing license or septage waste vehicle license.

(xiv) Section 11709, septage waste site permit.

(xv) Section 30104, inland lakes and streams project permit.

(xvi) Section 30304, state permit for dredging, filling, or other activity in wetland. Permit includes an authorization for a specific project to proceed under a general permit issued under section 30312.

(xvii) Section 31509, dam construction, repair, or removal permit.

(xviii) Section 32312, flood risk, high risk, or environmental area permit.

(xix) Section 32512, permit for dredging and filling bottomland.

(xx) Section 32603, permit for submerged log removal from Great Lakes bottomlands.

(xxi) Section 35304, department permit for critical dune area use.

- 1 (xxii) Section 36505, endangered species permit.
- 2 (xxiii) Section 41329, nonnative aquatic species sales
3 registration.
- 4 (xxiv) Section 41702, game bird hunting preserve license.
- 5 (xxv) Section 42101, dog training area permit.
- 6 (xxvi) Section 42501, fur dealer's license.
- 7 (xxvii) Section 42702, game dealer's license.
- 8 (xxviii) Section 44513, charter boat operating permit under
9 reciprocal agreement.
- 10 (xxix) Section 44516, boat livery operating permit.
- 11 (xxx) Section 45902, game fish propagation license.
- 12 (xxxi) Section 45906, game fish import license.
- 13 (xxxii) Section 48705, permit to take amphibians and reptiles
14 for scientific or educational use.
- 15 (xxxiii) Section 61525, oil or gas well drilling permit.
- 16 (xxxiv) Section 62509, brine, storage, or waste disposal well
17 drilling or conversion permit or test well drilling permit.
- 18 (xxxv) Section 63103a, ferrous mineral mining permit.
- 19 (xxxvi) Section 63514 or 63525, surface coal mining and
20 reclamation permit or revision of the permit, respectively.
- 21 (xxxvii) Section 63704, sand dune mining permit.
- 22 (xxxviii) Section 72108, use permits for a Pure Michigan Trail.
- 23 (xxxix) Section 76109, sunken aircraft or watercraft abandoned
24 property recovery permit.
- 25 (xl) ~~(xxx)~~ Section 76504, Mackinac Island motor vehicle and
26 land use permits.
- 27 (xli) ~~(xxx)~~ Section 80159, buoy or beacon permit.
- 28 (g) "Permit", as used in sections 1313 to 1317, means any

1 permit or operating license that meets both of the following
2 conditions:

3 (i) The applicant for the permit or operating license is not
4 this state or a political subdivision of this state.

5 (ii) The permit or operating license is issued by the
6 department of environmental quality under this act or the rules
7 promulgated under this act.

8 (h) "Processing deadline" means the last day of the processing
9 period.

10 (i) "Processing period", subject to section 1307(2) and (3),
11 means the following time period after the close of the application
12 period, for the following permit, as applicable:

13 (i) Twenty days, **unless a hearing is held**, for a permit under
14 section 61525 or 62509.

15 (ii) Thirty days for a permit under section 9112 or 44516.

16 (iii) Thirty days after the department consults with the
17 underwater salvage and preserve committee created under section
18 76103, for a permit under section 76109.

19 (iv) Sixty days, for ~~a~~**any of the following**:

20 (A) **A** permit under section 30104 **or 32512** for a **project in a**
21 minor project established under section 30105(7) or 32512a(1),
22 **respectively.** ~~or an~~

23 (B) **An** authorization for a specific project to proceed under a
24 general permit issued under section 30105(8) or 32512a(2). ~~, or for~~
25 ~~a~~

26 (C) **A** permit under section 32312 or 41329.

27 (D) **If a hearing is required, a permit under section 61525 or**
28 **62509.**

29 (v) Sixty days or, if a hearing is held, 90 days for a permit

1 under section 35304.

2 (vi) Sixty days or, if a hearing is held, 120 days for a permit
3 under section 30104, other than a permit or authorization described
4 in subparagraph (ii) or (iv), or for a permit under section 31509.

5 (vii) Ninety days for a permit under section 11512, a revision
6 of a surface coal mining and reclamation permit under section
7 63525, or a permit under section 72108.

8 (viii) Ninety days or, if a hearing is held, 150 days for a
9 permit under section 3104 or 30304, or a permit under section 32512
10 other than a permit described in subparagraph (iv).

11 (ix) Ninety days after the close of the review or comment
12 period under section 32604, or if a public hearing is held, 90 days
13 after the date of the public hearing for a permit under section
14 32603.

15 (x) One hundred twenty days for a permit under section 11509,
16 11542, 63103a, 63514, or 63704.

17 (xi) One hundred fifty days for a permit under section 36505.
18 However, if a site inspection or federal approval is required, the
19 150-day period is tolled pending completion of the inspection or
20 receipt of the federal approval.

21 (xii) For any other permit, 150 days or, if a hearing is held,
22 90 days after the hearing, whichever is later.

23 Sec. 61525. (1) A person shall not drill or begin the drilling
24 of ~~any~~ a well for oil or gas, for secondary recovery, ~~or a well~~ for
25 the disposal of salt water, or brine produced in association with
26 oil or gas operations or other oil field wastes, or ~~wells~~ for the
27 development of reservoirs for the storage of liquid or gaseous
28 hydrocarbons, except as authorized by a permit to drill and operate
29 the well issued by the supervisor of wells pursuant to part 13 and

1 unless the person files with the supervisor a bond as provided in
 2 section 61506. The permittee shall post the permit in a conspicuous
 3 place at the location of the well as provided in the rules and
 4 requirements or orders issued or promulgated by the supervisor. An
 5 application for a permit shall be accompanied by a fee of \$300.00.
 6 A permit to drill and operate shall not be issued to an owner or
 7 his or her authorized representative who does not comply with the
 8 rules and requirements or orders issued or promulgated by the
 9 supervisor. A permit shall not be issued to an owner or his or her
 10 authorized representative who has not complied with or is in
 11 violation of this part or any of the rules, requirements, or orders
 12 issued or promulgated by the supervisor or the department.

13 (2) The supervisor shall forward all fees received under this
 14 section to the state treasurer for deposit in the fund.

15 (3) The supervisor shall make available to any person, upon
 16 request, not less often than weekly, the following information
 17 pertaining to applications for permits to drill and operate:

18 (a) Name and address of the applicant.

19 (b) Location of proposed well.

20 (c) Well name and number.

21 (d) Proposed depth of the well.

22 (e) Proposed formation.

23 (f) Surface owner.

24 (g) Whether hydrogen sulfide gas is expected.

25 **(h) Whether the well will be used for hydraulic fracturing.**

26 (4) The supervisor shall provide the information under
 27 subsection (3) to the county ~~in which an oil or gas well is~~
 28 ~~proposed to be located~~ and to the city, village, or township in
 29 which the oil or gas well is proposed to be located. ~~if that city,~~

~~village, or township has a population of 70,000 or more.~~ A city, village, township, or county in which an oil or gas well is proposed to be located may provide written comments and recommendations to the supervisor pertaining to applications for permits to drill and operate. The supervisor shall consider all such comments and recommendations in reviewing the application.

(5) In addition to the requirements of subsection (4), if the department receives a request from the city, village, or township in which an oil or gas well proposed to be used for hydraulic fracturing is or would be located or from any person who may be adversely impacted by the hydraulic fracturing operation, including any person whose water supply may be adversely impacted, the department shall hold a public hearing in the city, village, or township in which the oil or gas well is or is proposed to be located before issuing a permit or otherwise authorizing the use of an oil or gas well for hydraulic fracturing. At the public hearing, interested parties may provide written comments and recommendations to the supervisor pertaining to the application. The supervisor shall consider all such comments and recommendations in reviewing the application.

(6) As used in this section, "hydraulic fracturing" means injecting foam or fluid into a well under pressure to create fractures in a formation and thereby enhance production of hydrocarbons.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.