

HOUSE BILL NO. 4742

July 22, 2025, Introduced by Reps. McKinney, Miller, Foreman, O'Neal, Wilson, Wegela, Mentzer, Price, Andrews, MacDonell, Steckloff, McFall, Paiz, Rheingans, Morgan, Grant, Dievendorf, Rogers, B. Carter, Scott, Byrnes, Longjohn, Xiong, Koleszar, T. Carter, Young and Myers-Phillips and referred to Committee on Natural Resources and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 1301, 1305, 1307, and 1311 (MCL 324.1301,
324.1305, 324.1307, and 324.1311), section 1301 as amended by 2018
PA 451, section 1305 as amended by 2011 PA 246, section 1307 as
amended by 2018 PA 631, and section 1311 as amended by 2018 PA 268,
by designating sections 1301 to 1311 as subpart 1 and by adding

subpart 2 to part 13; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 13

PERMITS

SUBPART 1

PERMIT PROCESSING GENERALLY

Sec. 1301. As used in this ~~part~~**subpart**:

(a) "Application period" means the period beginning when an application for a permit is received by the state and ending when the application is considered to be administratively complete under section 1305 and any applicable fee has been paid.

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

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

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

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

(d) ~~(f)~~ "Permit" ~~, except as provided in subdivision (g),~~ means a permit, operating license, or registration required by any of the following sections or by rules promulgated thereunder, or,

1 in the case of section 9112, by an ordinance referred to in that
2 section:

3 (i) Section 3104, floodplain alteration permit.

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

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

6 (iv) Section 6516, vehicle testing license.

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

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

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

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

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

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

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

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

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

22 (xiv) Section 11709, septage waste site permit.

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

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

28 (xvii) Section 31509, dam construction, repair, or removal

1 permit.

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

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

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

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

10 (xxii) Section 36505, endangered species permit.

11 (xxiii) Section 41329, nonnative aquatic species sales
12 registration.

13 (xxiv) Section 41702, game bird hunting preserve license.

14 (xxv) Section 42101, dog training area permit.

15 (xxvi) Section 42501, fur dealer's license.

16 (xxvii) Section 42702, game dealer's license.

17 (xxviii) Section 44513, charter boat operating permit under
18 reciprocal agreement.

19 (xxix) Section 44516, boat livery operating permit.

20 (xxx) Section 45902, game fish propagation license.

21 (xxxi) Section 45906, game fish import license.

22 (xxxii) Section 48705, permit to take amphibians and reptiles
23 for scientific or educational use.

24 (xxxiii) Section 61525, oil or gas well drilling permit.

25 (xxxiv) Section 62509, brine, storage, or waste disposal well
26 drilling or conversion permit or test well drilling permit.

27 (xxxv) Section 63103a, ferrous mineral mining permit.

28 (xxxvi) Section 63514 or 63525, surface coal mining and

1 reclamation permit or revision of the permit, respectively.

2 (xxxvii) Section 63704, sand dune mining permit.

3 (xxxviii) Section 72108, use permits for a Pure Michigan Trail.

4 (xxxix) Section 76109, sunken aircraft or watercraft abandoned
5 property recovery permit.

6 (xl) ~~(xxx)~~ Section 76504, Mackinac Island ~~motor vehicle and~~
7 land use permits.

8 (xli) ~~(xxxi)~~ Section 80159, buoy or beacon permit.

9 ~~(g) "Permit", as used in sections 1313 to 1317, means any~~
10 ~~permit or operating license that meets both of the following~~
11 ~~conditions:~~

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

14 ~~(ii) The permit or operating license is issued by the~~
15 ~~department of environmental quality under this act or the rules~~
16 ~~promulgated under this act.~~

17 (e) ~~(h)~~ "Processing deadline" means the last day of the
18 processing period.

19 (f) ~~(i)~~ "Processing period", subject to section 1307(2), ~~and~~
20 ~~(3)~~, means the following time period after the close of the
21 application period, for the following permit, as applicable:

22 (i) Twenty days for a permit under section 61525 or 62509.

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

24 (iii) Thirty days after the department consults with the
25 underwater salvage and preserve committee created under section
26 76103, for a permit under section 76109.

27 (iv) Sixty days, for a permit under section 30104 **or 32512** for
28 a **project in a** minor project **category** established under section
29 30105(7) or 32512a(1), ~~or~~ **respectively, for** an authorization for a

specific project to proceed under a general permit issued under section 30105(8) or 32512a(2), or for a permit under section 32312 or 41329.

(v) Sixty days or, if a hearing is held, 90 days for a permit under section 35304.

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

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

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

(ix) Ninety days after the close of the review or comment period under section ~~32604~~, **32605**, or if a public hearing is held, 90 days after the date of the public hearing for a permit under section 32603.

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

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

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

Sec. 1305. (1) After a department receives an application for a permit, the department shall determine whether the application is administratively complete. ~~Unless~~ **Subject to section 1335, unless**

1 the department proceeds as provided under subsection (2), the
2 application shall be considered to be administratively complete
3 when the department makes that determination or 30 days after the
4 state receives the application, whichever is first.

5 (2) If, before the expiration of the 30-day period under
6 subsection (1), the department notifies the applicant that the
7 application is not administratively complete, specifying the
8 information necessary to make the application administratively
9 complete, or notifies the applicant that a fee required to
10 accompany the application has not been paid, specifying the amount
11 due, the running of the 30-day period under subsection (1) is
12 tolled until the applicant submits to the department the specified
13 information or fee amount due. The notice shall be given in writing
14 or by electronic notification.

15 (3) Subject to subsection (4), after an application for a
16 permit is considered to be administratively complete under this
17 section, the department shall not request from the applicant any
18 new or additional information that is not specified in the list
19 required under section 1303(2)(a) unless the request includes a
20 detailed explanation of why the information is needed. The
21 applicant is not required to provide the requested information as a
22 condition for approval of the permit.

23 (4) After an application for a permit is considered to be
24 administratively complete under this section, the department may
25 request the applicant to clarify, amplify, or correct the
26 information required for the application. The applicant shall
27 provide the requested information.

28 Sec. 1307. (1) By the processing deadline, the department
29 shall approve or deny an application for a permit.

(2) If requested by the permit applicant, the department shall extend the processing period for a permit by not more than 120 days, as specified by the applicant. If requested by the permit applicant, the department may extend the processing period beyond the additional 120 days. However, a processing period shall not be extended under this subsection to a date later than 1 year after the application period ends.

~~(3) A processing period is tolled from the date that a permit applicant submits a petition under section 1315(1) until the date that a decision of the director is made under section 1315(6). If a permit applicant submits a petition under section 1315(1), the department shall not approve or deny the application for the permit under subsection (1) until after the director issues a decision under section 1315(6).~~

(3) ~~(4)~~ The approval or denial of an application for a permit shall be in writing and shall be based upon evidence that would meet the standards in section 75 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.275.

(4) ~~(5)~~ Approval of an application for a permit may be granted with conditions or modifications necessary to achieve compliance with the part or parts of this act under which the permit is issued.

(5) ~~(6)~~ A denial of an application for a permit or, for a permit under part 301 or 303, an approval with modification of an application for a permit shall document, and any review upholding the denial or modification shall determine, to the extent practical, all of the following:

(a) That the decision is based on specifically cited provisions of this act or rules promulgated under this act.

1 (b) That the decision is based upon sufficient facts or data,
2 which are recorded in the file.

3 (c) To the extent applicable, all of the following:

4 (i) That the decision is the product of reliable scientific
5 principles and methods.

6 (ii) That the decision has applied the principles and methods
7 reliably to the facts.

8 (d) In the case of denial of an application for a permit under
9 part 301 or 303, suggestions on changes to allow the permit to be
10 approved.

11 **(6)** ~~(7)~~—Except for permits described in subsection ~~(8)~~, **(7)**,
12 if the department fails to satisfy the requirements of subsection
13 (1) with respect to an application for a permit, the department
14 shall pay the applicant an amount equal to 15% of the greater of
15 the following, as applicable:

16 (a) The amount of the application fee for that permit.

17 (b) If an assessment or other fee is charged on an annual or
18 other periodic basis by the department to a person holding the
19 permit for which the application was submitted, the amount of the
20 first periodic charge of that assessment or other fee for that
21 permit.

22 **(7)** ~~(8)~~—If the department fails to satisfy the requirements of
23 subsection (1) with respect to a permit required by section 11509,
24 11512, 30304, or 32603, the application shall be considered to be
25 approved and the department shall be considered to have made any
26 determination required for approval.

27 **(8)** ~~(9)~~—The failure of the department to satisfy the
28 requirements of subsection (1) or the fact that the department is
29 required to make a payment under subsection ~~(7)~~ **(6)** or is

1 considered to have approved a permit under subsection ~~(8)~~-(7) shall
2 not be used by the department as the basis for discriminating
3 against the applicant. If the department is required to make a
4 payment under subsection ~~(7)~~-(6), the application shall be
5 processed in sequence with other applications for the same type of
6 permit, based on the date on which the processing period began,
7 unless the director determines on an application-by-application
8 basis that the public interest is best served by processing in a
9 different order.

10 (9) ~~(10)~~-If the department fails to satisfy the requirements
11 of subsection (1) with respect to 10% or more of the applications
12 for a particular type of permit received during a quarter of the
13 state fiscal year, the department shall immediately devote
14 resources from that program to eliminate any backlog and satisfy
15 the requirements of subsection (1) with respect to new applications
16 for that type of permit within the next fiscal quarter.

17 (10) ~~(11)~~-If the department fails to satisfy the requirements
18 of subsection (1), the director shall notify the appropriations
19 committees of the senate and house of representatives of the
20 failure. The notification shall be in writing and shall include
21 both of the following:

22 (a) An explanation of the reason for the failure.

23 (b) A statement of the amount the department was required to
24 pay the applicant under subsection ~~(7)~~-(6) or a statement that the
25 department was required to consider the application to be approved
26 under subsection ~~(8)~~-(7), as applicable.

27 Sec. 1311. By December 1 each year, the director shall submit
28 a report to the standing committees and appropriations
29 subcommittees of the senate and house of representatives with

1 primary responsibility for issues under the jurisdiction of that
2 department. The department shall post the current report on its
3 website. The report shall include all of the following information
4 for each type of permit for the preceding fiscal year:

5 (a) The number of applications for permits the department
6 received.

7 (b) The number of applications approved, the number of
8 applications approved by the processing deadline, the number of
9 applications approved after the processing deadline, and the
10 average ~~times~~ **periods of time** for the department to determine
11 administrative completeness and to approve or disapprove
12 applications.

13 (c) The number of applications denied, the number of
14 applications denied by the processing deadline, and the number of
15 applications denied after the processing deadline.

16 (d) The number of applications approved or denied after the
17 processing deadline that, based on the director's determination of
18 the public interest, were not processed in sequence as otherwise
19 required by section ~~1307(9)~~ **1307(8)**.

20 (e) The number of applications that were not administratively
21 complete when received.

22 (f) The amount of money refunded and discounts granted under
23 section 1307.

24 (g) The number of applications processed as provided in
25 section 1309.

26 (h) If a department failed to satisfy the requirements of
27 section 1307(1) with respect to 10% or more of the applications for
28 a particular type of permit received during a quarter of the state
29 fiscal year, the type of permit and percentage of applications for

1 which the requirements were not met, how the department attempted
2 to eliminate any backlog and satisfy the requirements of section
3 1307(1) with respect to new applications for that type of permit
4 within the next fiscal quarter, and whether the department was
5 successful.

6 SUBPART 2

7 OVERBURDENED COMMUNITIES

8 Sec. 1331. As used in this subpart:

9 (a) "Department" means the department of environment, Great
10 Lakes, and energy.

11 (b) "Discriminatory" means likely, to any extent and whether
12 directly or indirectly, to cause or contribute to adverse
13 cumulative environmental or public health stressors in an
14 overburdened community that are at a level higher than the state
15 level or the county level, whichever is lower.

16 (c) "Environmental justice impact assessment" or "impact
17 assessment" means a written assessment of the potential
18 environmental and public health stressors associated with the
19 facility, including, but not limited to, all of the following:

20 (i) Characteristics of the overburdened community, including,
21 but not limited to, race, ethnicity, national origin, tribal and
22 indigenous population, population under age 5, population over age
23 64, and socioeconomic status and other indicators identified by the
24 Centers for Disease Control and Prevention and Agency for Toxic
25 Substances and Disease Registry Social Vulnerability Index.

26 (ii) Existing environmental or public health stressors
27 affecting the overburdened community, considering factors
28 including, but not limited to, health data, disparities, and
29 trends; social vulnerability indices; presence of food deserts; and

1 climate risk indices.

2 (iii) Any adverse environmental or public health stressors that,
3 on their own or together with other stressors, may adversely impact
4 the overburdened community as a result of granting the permit.

5 (d) "Environmental or public health stressors" means any of
6 the following:

7 (i) Existing and foreseeable sources of pollution, proximity to
8 nearby sources, and the number of nearby sources. Sources of
9 pollution include, but are not limited to, all of the following:

10 (A) Mobile sources of air pollution, including, but not
11 limited to, vehicles on major roadways and diesel truck traffic.

12 (B) Sources of sound and light trespass.

13 (C) Contaminated sites.

14 (D) Facilities generating, treating, storing, or disposing of
15 hazardous waste.

16 (E) Solid waste sites and transfer stations, recycling
17 facilities, and scrapyards.

18 (F) Point and nonpoint sources of water pollution, including
19 permitted and unpermitted wastewater discharges from industrial,
20 agricultural, and commercial sources and combined sewer overflows.

21 (G) Impaired water bodies.

22 (ii) Existing public health burdens considering factors that
23 include, but are not limited to, population of young children,
24 population over age 64, level of unemployment, and housing burden.

25 (iii) Conditions that may, alone or synergistically, cause or
26 exacerbate existing or potential public health burdens in the
27 overburdened community, including, but not limited to, levels and
28 severity of asthma, cancer, elevated blood lead levels,
29 cardiovascular disease, low infant birth weights, infant mortality,

1 mental health conditions, and reduced life expectancy.

2 (iv) Interrelated cultural, social, occupational, historical,
3 or economic factors that may amplify the natural and physical
4 environmental effects of the proposed action, including historical
5 patterns of exposure to environmental hazards.

6 (e) "Facility" means any of the following:

7 (i) A stationary source as defined by 42 USC 7602.

8 (ii) A sludge processing facility, combustor, or incinerator.

9 (iii) A sewage treatment plant with a capacity of more than
10 50,000,000 gallons per day.

11 (iv) A disposal area as defined in section 11503.

12 (v) A disposal facility as defined in section 11102.

13 (vi) A storage facility as defined in section 11104.

14 (vii) A treatment facility as defined in section 11104.

15 (viii) A concentrated animal feeding operation.

16 (ix) A scrap metal facility.

17 (x) A mine.

18 (f) "Limited English proficiency" describes a household that
19 does not have an adult that speaks English "very well" according to
20 the United States Census Bureau.

21 (g) "Low-income household" means a household that is at or
22 below 200% of the official poverty threshold as that threshold is
23 determined annually by the United States Census Bureau.

24 (h) "Overburdened community" means a census block group, as
25 determined by the United States Census Bureau for the most recent
26 United States census, in which the annual median household income
27 is not more than 65% of the statewide annual median household
28 income and to which 1 or more of the following apply:

29 (i) At least 35% of the households are low-income households.

1 (ii) At least 20% of the residents identify as members of a
2 minority group.

3 (iii) At least 15% of the households have limited English
4 proficiency.

5 (iv) The census block group includes American Indian land for a
6 federally recognized tribe.

7 (i) "Permit", subject to subdivision (j), means any of the
8 following:

9 (i) The renewal of an operating permit under part 55.

10 (ii) An individual permit, registration, or license for a new
11 facility or the expansion of an existing facility, issued by the
12 department under part 31, 55, 111, 115, 301, 303, 323, 325, or 327.

13 (iii) The renewal of an operating license under part 111.

14 (j) Permit does not include authorization or approval required
15 for either of the following:

16 (i) To perform remedial action, as defined in section 20101.

17 (ii) To make a minor modification to a permit under part 55 for
18 activities or improvements that do not increase air emissions.

19 Sec. 1333. Not later than 120 days after the effective date of
20 this section, the department shall publish on its public website a
21 list of overburdened communities in this state. The department
22 shall update the list of overburdened communities at least once
23 every 2 years. The department shall notify a municipality if any
24 part of the municipality is listed as an overburdened community
25 under this section.

26 Sec. 1335. (1) Subject to section 1341(2), but notwithstanding
27 any other provision of this act, the department shall not consider
28 an application for a permit to be complete if the facility is
29 proposed to be located or is located, in whole or in part, in an

1 overburdened community, unless the permit applicant has done all of
2 the following:

3 (a) Prepared an environmental justice impact assessment.

4 (b) Held a public hearing in the overburdened community,
5 subject to all of the following requirements:

6 (i) The permit applicant shall publish a notice of the public
7 hearing in at least 2 newspapers circulating within the
8 overburdened community, including a local non-English language
9 newspaper, if any, not less than 60 days before the public hearing.

10 The notice shall include all of the following:

11 (A) The date, time, and location of the public hearing.

12 (B) A description of the facility.

13 (C) A map indicating the location of the facility.

14 (D) A brief summary of the environmental justice impact
15 assessment.

16 (E) Information on how an interested person may review a copy
17 of the complete environmental justice impact assessment.

18 (F) An address for the submission of written comments to the
19 permit applicant.

20 (G) Any other information that the department considers
21 appropriate.

22 (ii) At least 60 days before the public hearing, the permit
23 applicant shall send a copy of the notice under subparagraph (i) and
24 the environmental justice impact assessment to the department and
25 to the governing body and the clerk of each municipality in which
26 the overburdened community is located. Upon receipt of the impact
27 assessment, the department shall post the impact assessment on its
28 public website.

29 (iii) At the public hearing, the permit applicant shall provide

1 clear, accurate, and complete information about the facility and
2 the potential environmental or public health stressors associated
3 with the facility. The permit applicant shall accept written and
4 oral comments from any interested party and provide an opportunity
5 for public participation at the public hearing.

6 (iv) Not later than 10 days after the public hearing, the
7 permit applicant shall submit to the department a transcript of the
8 public hearing and any written comments received.

9 (2) The department may require or, on request of the
10 applicant, authorize the applicant to consolidate the public
11 hearing under subsection (1) with any other public hearing held or
12 required by the department regarding the permit application, if the
13 consolidated public hearing will otherwise meet the requirements of
14 subsection (1). The consolidation of public hearings does not
15 preclude an application from being considered complete for review
16 pursuant to subsection (1).

17 (3) If a permit applicant is applying for more than 1 permit
18 for a facility, the permit applicant is only required to comply
19 with subsection (1) once, unless the department determines that
20 more than 1 public hearing is necessary because of the complexity
21 of the permit applications. This section does not otherwise limit
22 the authority of the department to hold or require additional
23 public hearings as may be required by this act.

24 Sec. 1337. (1) Subject to section 1341(2), after the public
25 hearing under section 1335, the department shall consider the
26 environmental justice impact assessment prepared under section
27 1335, written or oral comments received at or in connection with
28 the public hearing, and any other relevant information possessed by
29 the department.

1 (2) Notwithstanding any other provision of this act but
2 subject to subsection (3), the department shall deny an application
3 for a permit that is subject to section 1335(1) submitted after
4 rules are promulgated under section 1341 unless the department
5 finds that approval of the permit as proposed would not be
6 discriminatory. The department and the applicant have the burden of
7 proof under this standard.

8 (3) Subsection (2) does not apply if all of the following
9 conditions are met:

10 (a) The department determines that the facility will serve a
11 compelling public interest in the overburdened community that is
12 necessary to meet a goal that is integral to the department's
13 mission.

14 (b) There is no alternative that is less discriminatory.

15 (c) The department has adopted comparably effective less
16 discriminatory alternative practices to substantially address
17 potential disparate impacts.

18 (4) Notwithstanding any other provision of this act, if the
19 department finds that approval of an application for a permit would
20 be discriminatory but approves the application under subsection
21 (3), the department shall impose conditions on the permit necessary
22 to substantially do all of the following in the overburdened
23 community:

24 (a) Protect public health.

25 (b) Reduce disparate impact of environmental harms.

26 (c) Reduce cumulative health impacts.

27 (d) Prevent further pollution resulting from noncompliance.

28 (e) Mitigate past impacts from pollution.

29 (f) Provide equitable participation and community engagement

1 opportunities.

2 (g) Increase transparency.

3 (h) Promote the fair and just transition to a pollution-free
4 economy.

5 (i) Reduce impacts and future risks of climate change.

6 (j) Meet community needs.

7 (5) The department shall not approve or deny an application
8 for a permit subject to section 1335(1) until at least 45 days have
9 elapsed after the public hearing under section 1335(1). When
10 issuing its final decision to approve or deny a permit subject to
11 section 1335(1), the department shall respond to all comments
12 received at or in connection with the public hearing.

13 Sec. 1339. Subject to section 1341(2), in addition to any
14 other fee authorized by this act, the department shall assess each
15 person that applies for a permit a reasonable fee to cover the
16 department's costs associated with the implementation of this
17 subpart, including costs to provide technical assistance to permit
18 applicants and overburdened communities as needed to comply with
19 this subpart.

20 Sec. 1341. (1) By 1 year after the effective date of this
21 section, the department shall promulgate rules to implement this
22 subpart.

23 (2) Sections 1335 to 1339 apply beginning on the effective
24 date of rules promulgated under subsection (1).

25 Enacting section 1. Sections 1313 to 1317 of the natural
26 resources and environmental protection act, 1994 PA 451, MCL
27 324.1313 to 324.1317, are repealed.