

**SUBSTITUTE FOR  
SENATE BILL NO. 422**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104, 3118, 3120, 3122, 3306, 11135, 11153, 12103, 12109, 12112, 30104, 30109, 32312, 32513, 80130, 80315, 81114, and 82156 (MCL 324.3104, 324.3118, 324.3120, 324.3122, 324.3306, 324.11135, 324.11153, 324.12103, 324.12109, 324.12112, 324.30104, 324.30109, 324.32312, 324.32513, 324.80130, 324.80315, 324.81114, and 324.82156), sections 3104, 3306, 30109, and 32312 as amended by 2008 PA 276, sections 3118 and 3120 as amended by 2009 PA 102, sections 3122 and 12109 as amended by 2007 PA 75, section 11135 as amended by 2008 PA 403, section 11153 as amended by 2010 PA 357, sections 12103 and 12112 as amended by 2008 PA 8, section 30104 as amended by 2009 PA 139, section 32513 as amended by 2009

PA 120, and sections 80130, 80315, 81114, and 82156 as amended by 2009 PA 100.

**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  
4 resources of the state, including, but not limited to, flood  
5 control, beach erosion control, water quality control planning,  
6 development, and management, and the control of aquatic nuisance  
7 species. The department shall have control over the alterations of  
8 natural or present watercourses of all rivers and streams in the  
9 state to assure that the channels and the portions of the  
10 floodplains that are the floodways are not inhabited and are kept  
11 free and clear of interference or obstruction that will cause any  
12 undue restriction of the capacity of the floodway. The department  
13 may take steps as may be necessary to take advantage of any act of  
14 congress that may be of assistance in carrying out the purposes of  
15 this part, including the water resources planning act, 42 USC 1962  
16 to 1962d-3, and the federal water pollution control act, 33 USC  
17 1251 to 1387.

18           (2) To address discharges of aquatic nuisance species from  
19 oceangoing vessels that damage water quality, aquatic habitat, or  
20 fish or wildlife, the department shall facilitate the formation of  
21 a Great Lakes aquatic nuisance species coalition. The Great Lakes  
22 aquatic nuisance species coalition shall be formed through an  
23 agreement entered into with other states in the Great Lakes basin  
24 to implement on a basin-wide basis water pollution laws that

1 prohibit the discharge of aquatic nuisance species into the Great  
2 Lakes from oceangoing vessels. The department shall seek to enter  
3 into an agreement that will become effective not later than January  
4 1, 2007. The department shall consult with the department of  
5 natural resources prior to entering into this agreement. Upon  
6 entering into the agreement, the department shall notify the  
7 Canadian Great Lakes provinces of the terms of the agreement. The  
8 department shall seek funding from the Great Lakes protection fund  
9 authorized under part 331 to implement the Great Lakes aquatic  
10 nuisance species coalition.

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

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

1           (5) Except as provided in subsections (6), (7), and (9), until  
2 October 1, ~~2011~~, **2015**, an application for a floodplain permit shall  
3 be accompanied by a fee of \$500.00. Until October 1, ~~2011~~, **2015**, if  
4 the department determines that engineering computations are  
5 required to assess the impact of a proposed floodplain alteration  
6 on flood stage or discharge characteristics, the department shall  
7 assess the applicant an additional \$1,500.00 to cover the  
8 department's cost of review.

9           (6) Until October 1, ~~2011~~, **2015**, an application for a  
10 floodplain permit for a minor project category shall be accompanied  
11 by a fee of \$100.00. Minor project categories shall be established  
12 by rule and shall include activities and projects that are similar  
13 in nature and have minimal potential for causing harmful  
14 interference.

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

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

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

26           (a) Part 301.

27           (b) Part 303.

1 (c) Part 323.

2 (d) Part 325.

3 (e) Section 117 of the land division act, 1967 PA 288, MCL  
4 560.117.

5 Sec. 3118. (1) Except as otherwise provided in this section,  
6 until October 1, ~~2011~~, **2015**, the department shall collect storm  
7 water discharge fees from persons who apply for or have been issued  
8 storm water discharge permits as follows:

9 (a) A 1-time fee of \$400.00 is required for a permit related  
10 solely to a site of construction activity for each permitted site.  
11 The fee shall be submitted by the permit applicant with his or her  
12 application for an individual permit or for a certificate of  
13 coverage under a general permit. For a permit by rule, the fee  
14 shall be submitted by the construction site permittee along with  
15 his or her notice of coverage. A person needing more than 1 permit  
16 may submit a single payment for more than 1 permit and receive  
17 appropriate credit. Payment of the fee under this subdivision or  
18 verification of prepayment is a necessary part of a valid permit  
19 application or notice of coverage under a permit by rule.

20 (b) An annual fee of \$260.00 is required for a permit related  
21 solely to a storm water discharge associated with industrial  
22 activity or from a commercial site for which the department  
23 determines a permit is needed.

24 (c) An annual fee of \$500.00 is required for a permit for a  
25 municipal separate storm sewer system, unless the permit is issued  
26 to a city, a village, a township, or a county or is a single permit  
27 authorization for municipal separate storm sewer systems in

1 multiple locations statewide.

2 (d) An annual fee for a permit for a municipal separate storm  
3 sewer system issued to a city, village, or township shall be  
4 determined by its population in an urbanized area as defined by the  
5 United States bureau of the census. The fee shall be based on the  
6 latest available decennial census as follows:

7 (i) For a population of 1,000 people or fewer, the annual fee  
8 is \$500.00.

9 (ii) For a population of more than 1,000 people, but fewer than  
10 3,001 people, the annual fee is \$1,000.00.

11 (iii) For a population of more than 3,000 people, but fewer than  
12 10,001 people, the annual fee is \$2,000.00.

13 (iv) For a population of more than 10,000 people, but fewer  
14 than 30,001 people, the annual fee is \$3,000.00.

15 (v) For a population of more than 30,000 people, but fewer  
16 than 50,001 people, the annual fee is \$4,000.00.

17 (vi) For a population of more than 50,000 people, but fewer  
18 than 75,001 people, the annual fee is \$5,000.00.

19 (vii) For a population of more than 75,000 people, but fewer  
20 than 100,001 people, the annual fee is \$6,000.00.

21 (viii) For a population of more than 100,000 people, the annual  
22 fee is \$7,000.00.

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

25 (f) An annual fee for a single municipal separate storm sewer  
26 systems permit authorizing a state or federal agency to operate  
27 municipal separate storm sewer systems in multiple locations

1 statewide shall be determined in accordance with a memorandum of  
2 understanding between that state or federal agency and the  
3 department and shall be based on the projected needs by the  
4 department to administer the permit.

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

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

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

22 (5) If a storm water permit is issued for a drainage district,  
23 the drainage district is responsible for the applicable fee under  
24 this section.

25 (6) The department shall assess interest on all fee payments  
26 submitted under this section after the due date. The permittee  
27 shall pay an additional amount equal to 0.75% of the payment due

1 for each month or portion of a month the payment remains past due.

2 (7) The department shall forward all fees and interest  
3 payments collected under this section to the state treasurer for  
4 deposit into the fund.

5 (8) The department shall make payment of the required fee  
6 assessed under this section a condition of issuance or reissuance  
7 of a permit not related solely to a site of construction activity.

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

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

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

20 (12) A person who wishes to appeal either a fee or a penalty  
21 assessed under this section is limited to an administrative appeal,  
22 in accordance with section 631 of the revised judicature act of  
23 1961, 1961 PA 236, MCL 600.631. The appeal shall be filed within 30  
24 days of the department's fee notification under subsection (4).

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

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



1 (b) "Clean water act" means the federal water pollution  
2 control act, 33 USC 1251 to 1387.

3 (c) "Construction activity" means a human-made earth change or  
4 disturbance in the existing cover or topography of land that is 5  
5 acres or more in size, for which a national permit is required  
6 pursuant to 40 CFR 122.26(a), and which is described as a  
7 construction activity in 40 CFR 122.26(b)(14)(x). Construction  
8 activity includes clearing, grading, and excavating activities.  
9 Construction activity does not include the practice of clearing,  
10 plowing, tilling soil, and harvesting for the purpose of crop  
11 production.

12 (d) "Fee" means a storm water discharge fee authorized under  
13 this section.

14 (e) "Fund" means the storm water fund created in section 3119.

15 (f) "General permit" means a permit issued authorizing a  
16 category of similar discharges.

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

18 (h) "Municipal separate storm sewer system" means all separate  
19 storm sewers that are owned or operated by the United States or a  
20 state, city, village, township, county, district, association, or  
21 other public body created by or pursuant to state law, having  
22 jurisdiction over disposal of sewage, industrial wastes, storm  
23 water, or other wastes, including special districts under state  
24 law, such as a sewer district, flood control district, or drainage  
25 district or similar entity, or a designated or approved management  
26 agency under section 208 of the clean water act, 33 USC 1288, that  
27 discharges to waters of the state. Municipal separate storm sewer

1 system includes systems similar to separate storm sewer systems in  
2 municipalities, such as systems at military bases, large hospital  
3 or prison complexes, and highways and other thoroughfares.

4 Municipal separate storm sewer system does not include separate  
5 storm sewers in very discrete areas, such as individual buildings.

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

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

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

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

24 (i) The system is not a combined sewer where storm water mixes  
25 with sanitary wastes.

26 (ii) The system is not part of a publicly owned treatment  
27 works.

1 (m) "Storm water" means storm water runoff, snowmelt runoff,  
2 and surface runoff and drainage.

3 (n) "Storm water discharge associated with industrial  
4 activity" means a point source discharge of storm water from a  
5 facility that is defined as an industrial activity under 40 CFR  
6 ~~122.26(b)(14)(i-ix and xi)~~. **122.26(B)(14)(I) TO (IX) AND (XI)**.

7 Sec. 3120. (1) Until October 1, ~~2011~~ **2015**, an application for  
8 a new permit, a reissuance of a permit, or a modification of an  
9 existing permit under this part authorizing a discharge into  
10 surface water, other than a storm water discharge, shall be  
11 accompanied by an application fee as follows:

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

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

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

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

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

24 (4) If the department fails to make a decision on an  
25 application within the applicable time period under subsection (2)  
26 or (3), the department shall return to the applicant the  
27 application fee submitted under subsection (1) and the applicant

1 shall not be subject to an application fee and shall receive a 15%  
2 annual discount on an annual permit fee required for a permit  
3 issued based upon that application.

4 (5) Until October 1, ~~2011~~2015, a person who receives a permit  
5 under this part authorizing a discharge into surface water, other  
6 than a stormwater discharge, is subject to an annual permit fee as  
7 follows:

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

10 (b) For an industrial or commercial facility that is an EPA  
11 minor facility, the following amounts:

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

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

14 (iii) For an individual permit for a low-flow facility,  
15 \$1,650.00.

16 (iv) For an individual permit for a high-flow facility,  
17 \$3,650.00.

18 (c) For a municipal facility that is an EPA major facility,  
19 the following amounts:

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

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

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

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

1 (d) For a municipal facility that is an EPA minor facility,  
2 the following amounts:

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

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

7 (iii) For an individual permit for a facility discharging less  
8 than 1 MGD, \$1,950.00.

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

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

11 (e) For a municipal facility that is a CSO facility,  
12 \$6,000.00.

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

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

17 (i) The facility is an EPA minor facility and would qualify for  
18 a general permit for a low-flow facility, in which case the fee is  
19 \$150.00.

20 (ii) The facility is an EPA major facility that is not a  
21 farmers' cooperative corporation, in which case the fee is  
22 \$8,700.00.

23 (h) For a facility that holds a permit issued under this part  
24 but has no discharge and ~~the facility is~~ connected to and is  
25 authorized to discharge only to a municipal wastewater treatment  
26 system, an annual permit maintenance fee of \$100.00. However, if a  
27 facility does have a discharge or at some point is no longer

1 connected to a municipal wastewater treatment system, the annual  
2 permit fee shall be the appropriate fee as otherwise provided in  
3 this subsection.

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

9 (7) The department shall send invoices for annual permit fees  
10 under subsection (5) to all permit holders by December 1 of each  
11 year. The fee shall be based on the status of the facility as of  
12 October 1 of that year. A person subject to an annual permit fee  
13 shall pay the fee not later than January 15 of each year. Failure  
14 by the department to send an invoice by the deadline, or failure of  
15 a person to receive an invoice, does not relieve that person of his  
16 or her obligation to pay the annual permit fee. If the department  
17 does not meet the December 1 deadline for sending invoices, the  
18 annual permit fee is due not later than 45 days after receiving an  
19 invoice. The department shall forward annual permit fees received  
20 under this section to the state treasurer for deposit into the  
21 national pollutant discharge elimination system fund created in  
22 section 3121.

23 (8) The department shall assess a penalty on all annual permit  
24 fee payments submitted under this section after the due date. The  
25 penalty shall be an amount equal to 0.75% of the payment due for  
26 each month or portion of a month the payment remains past due.

27 (9) Following payment of an annual permit fee, if a permittee

1 wishes to challenge its annual permit fee under this section, the  
2 owner or operator shall submit the challenge in writing to the  
3 department. The department shall not process the challenge unless  
4 it is received by the department by March 1 of the year the payment  
5 is due. A challenge shall identify the facility and state the  
6 grounds upon which the challenge is based. Within 30 calendar days  
7 after receipt of the challenge, the department shall determine the  
8 validity of the challenge and provide the permittee with  
9 notification of a revised annual permit fee and a refund, if  
10 appropriate, or a statement setting forth the reason or reasons why  
11 the annual permit fee was not revised. If the owner or operator of  
12 a facility desires to further challenge its annual permit fee, the  
13 owner or operator of the facility has an opportunity for a  
14 contested case hearing as provided for under the administrative  
15 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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

18 (11) As used in this section:

19 (a) "Agricultural purpose" means the agricultural production  
20 or processing of those plants and animals useful to human beings  
21 produced by agriculture and includes, but is not limited to,  
22 forages and sod crops, grains and feed crops, field crops, dairy  
23 animals and dairy products, poultry and poultry products, cervidae,  
24 livestock, including breeding and grazing, equine, fish and other  
25 aquacultural products, bees and bee products, berries, herbs,  
26 fruits, vegetables, flowers, seeds, grasses, nursery stock, trees  
27 and tree products, mushrooms, and other similar products, or any

1 other product, as determined by the commission of agriculture **AND**  
2 **RURAL DEVELOPMENT**, that incorporates the use of food, feed, fiber,  
3 or fur. Agricultural purpose includes an operation or facility that  
4 produces wine.

5 (b) "Combined sewer overflow" means a discharge from a  
6 combined sewer system that occurs when the flow capacity of the  
7 combined sewer system is exceeded at a point prior to the headworks  
8 of a publicly owned treatment works during wet weather conditions.

9 (c) "Combined sewer system" means a sewer designed and used to  
10 convey both storm water runoff and sanitary sewage, and that  
11 contains lawfully installed regulators and control devices that  
12 allow for delivery of sanitary flow to treatment during dry weather  
13 periods and divert storm water and sanitary sewage to surface  
14 waters during storm flow periods.

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

17 (e) "EPA major facility" means a facility that is designated  
18 by the United States environmental protection agency as being a  
19 major facility under 40 CFR 122.2.

20 (f) "EPA minor facility" means a facility that is not an EPA  
21 major facility.

22 (g) "Farmers' cooperative corporation" means a farmers'  
23 cooperative corporation organized within the limitations of section  
24 98 of 1931 PA 327, MCL 450.98.

25 (h) "General permit" means a permit suitable for use at  
26 facilities meeting eligibility criteria as specified in the permit.  
27 With a general permit, the discharge from a specific facility is



1 acknowledged through a certificate of coverage issued to the  
2 facility.

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

5 (j) "Individual permit" means a permit developed for a  
6 particular facility, taking into account that facility's specific  
7 characteristics.

8 (k) "Industrial or commercial facility" means a facility that  
9 is not a municipal facility.

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

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

13 (n) "Municipal facility" means a facility that is designed to  
14 collect or treat sanitary wastewater, and is either publicly or  
15 privately owned, and serves a residential area or a group of  
16 municipalities.

17 (o) "Wastewater stabilization lagoon" means a type of  
18 treatment system constructed of ponds or basins designed to  
19 receive, hold, and treat sanitary wastewater for a predetermined  
20 amount of time through a combination of physical, biological, and  
21 chemical processes.

22 Sec. 3122. (1) Until October 1, ~~2011~~2015, the department may  
23 levy and collect an annual groundwater discharge permit fee from  
24 facilities that discharge wastewater to the ground or groundwater  
25 of this state pursuant to section 3112. The fee shall be as  
26 follows:

27 (a) For a group 1 facility, \$3,650.00.

1 (b) For a group 2 facility or a municipality of 1,000 or fewer  
2 residents, \$1,500.00.

3 (c) For a group 3 facility, \$200.00.

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

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

19 (4) As used in this section, "group 1 facility", "group 2  
20 facility", and "group 3 facility" do not include a municipality  
21 with a population of 1,000 or fewer residents.

22 Sec. 3306. (1) Until October 1, ~~2011~~**2015**, an application for  
23 a certificate of coverage under this part shall be accompanied by a  
24 fee of \$75.00. Until October 1, ~~2011~~**2015**, subject to subsection  
25 (2), an application for an individual permit under this part shall  
26 be accompanied by the following fee, based on the size of the area  
27 of impact:

- 1 (a) Less than 1/2 acre, \$75.00.  
2 (b) One-half acre or more but less than 5 acres, \$200.00.  
3 (c) Five acres or more but less than 20 acres, \$400.00.  
4 (d) Twenty acres or more but less than 100 acres, \$800.00.  
5 (e) One hundred acres or more, \$1,500.00.

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

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, ~~2011~~, **2013**, a person required to  
13 prepare a manifest shall submit to the department a manifest  
14 processing user charge of \$6.00 per manifest and his or her tax  
15 identification number. Each calendar year, the department may  
16 adjust the manifest processing user charge as necessary to ensure  
17 that the total cumulative amount of the user charges assessed  
18 pursuant to this section and sections 11153, 12103, 12109, and  
19 12112 are consistent with the target revenue projection for the  
20 hazardous waste and liquid industrial waste users account as  
21 provided for in section 11130(5). However, the manifest processing  
22 user charge shall not exceed \$8.00 per manifest. Money collected  
23 under this subsection shall be forwarded to the state treasurer for  
24 deposit into the environmental pollution prevention fund created in  
25 section 11130 and credited to the hazardous waste and liquid  
26 industrial waste users account created in section 11130(5).

27 (2) Payment of the manifest processing user charges under

1 subsection (1) shall be made using a form provided by the  
2 department. The department shall send a form to each person subject  
3 to the manifest processing user charge by March 30 of each year.  
4 The form ~~for the 2009 billing cycle shall specify the number of~~  
5 ~~manifests prepared by that person and processed by the department~~  
6 ~~during the months of October, November, and December 2007 and~~  
7 ~~calendar year 2008. The form for subsequent billing cycles shall~~  
8 specify the number of manifests prepared by that person and  
9 processed by the department during the previous calendar year. A  
10 person subject to the manifest processing user charge shall return  
11 the completed form and the appropriate payment to the department by  
12 April 30 of each year.

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

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

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

1 (4) Any amounts collected under subsection (3) for a violation  
2 of this section shall be forwarded to the state treasurer and  
3 deposited in the environmental pollution prevention fund created in  
4 section 11130 and credited to the hazardous waste and liquid  
5 industrial waste users account created in section 11130(5).

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

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

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

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

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

1 identified on the manifest shall be a designated facility.

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

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

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

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

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

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

6 Sec. 11153. (1) A generator, transporter, or treatment,  
7 storage, or disposal facility shall obtain and utilize a site  
8 identification number assigned by the United States environmental  
9 protection agency or the department. Until October 1, ~~2011,~~2013,  
10 the department shall assess a site identification number user  
11 charge of \$50.00 for each site identification number it issues. The  
12 department shall not issue a site identification number under this  
13 subsection unless the site identification number user charge and  
14 the tax identification number for the person applying for the site  
15 identification number have been received by the department.

16 (2) Until October 1, ~~2011,~~2013, except as provided in  
17 subsection (9), the department shall annually assess hazardous  
18 waste management program user charges as follows:

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

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

25 (ii) A generator who generates 1,000 kilograms or more of  
26 hazardous waste in any month during the calendar year and who  
27 generates less than 900,000 kilograms during the calendar year

1 shall pay to the department an annual handler user charge of  
2 \$400.00.

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

8 (b) An owner or operator of a treatment, storage, or disposal  
9 facility for which an operating license is required under section  
10 11123 or for which an operating license has been issued under  
11 section 11125 shall pay to the department an annual handler user  
12 charge of \$2,000.00.

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

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

20 (4) Payment of the handler user charges shall be made using a  
21 form provided by the department. The handler shall certify that the  
22 information on the form is accurate. The department shall send  
23 forms to the handlers by March 30 of each year unless the handler  
24 user charges have been suspended as provided for in subsection (9).  
25 A handler shall return the completed forms and the appropriate  
26 payment to the department by April 30 of each year unless the  
27 handler user charges have been suspended as provided for in



1 subsection (9).

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

6 (a) Payment of the handler user charge and an administrative  
7 fine of 5% of the amount owed for each month that the payment is  
8 delinquent. Any payments received after the 15th of the month after  
9 the due date shall be considered delinquent for that month.  
10 However, the administrative fine shall not exceed 25% of the total  
11 amount owed.

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

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

22 (7) The site identification number user charges and the  
23 handler user charges collected under this section and any amounts  
24 collected under subsection (5) for a violation of this section  
25 shall be forwarded to the state treasurer and deposited in the  
26 environmental pollution prevention fund created in section 11130  
27 and credited to the hazardous waste and liquid industrial waste

1 users account created in section 11130(5).

2 (8) The department shall evaluate the effectiveness and  
3 adequacy of the site identification number user charges and the  
4 handler user charges collected under this section relative to the  
5 overall revenue needs of the hazardous waste management program  
6 administered under this part. Not later than April 1 of each even-  
7 numbered year, the department shall summarize its findings under  
8 this subsection in a report and shall provide that report to the  
9 legislature.

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

15 (10) As used in this section:

16 (a) "Handler" means the person required to pay the handler  
17 user charge.

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

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

21 (a) Characterize the waste in accordance with section 12101(n)  
22 and the requirements of part 111 and rules promulgated under that  
23 part, and maintain records of the characterization.

24 (b) Obtain and utilize, when needed for transportation, a site  
25 identification number. Until October 1, ~~2011~~**2013**, the department  
26 shall assess a site identification number user charge of \$50.00 for  
27 each site identification number it issues. The department shall not

1 issue a site identification number under this subdivision unless  
2 the site identification number user charge and the tax  
3 identification number for the person applying for the site  
4 identification number have been received. Money collected under  
5 this subdivision shall be forwarded to the state treasurer for  
6 deposit into the environmental pollution prevention fund created in  
7 section 11130 and credited to the hazardous waste and liquid  
8 industrial waste users account created in section 11130(5).

9 (c) If transporting liquid industrial waste, other than the  
10 generator's own waste, by public roadway, engage, employ, or  
11 contract for the transportation only with a transporter registered  
12 and permitted under the hazardous materials transportation act,  
13 1998 PA 138, MCL 29.471 to 29.480.

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

27 (e) Submit a copy of the manifest to the department by the

1 tenth day after the end of the month in which a load of waste is  
2 transported.

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

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

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

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

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

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

27 (2) A generator who operates an on-site reclamation facility,

1 treatment facility, or disposal facility shall keep records of all  
2 liquid waste produced and reclaimed, treated, or disposed of at his  
3 or her facility.

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

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

14 (a) The waste is accompanied by a record showing the source  
15 and quantity of the waste and the designated facility ~~where~~**TO**  
16 **WHICH** the waste is being transported.

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

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

22 Sec. 12109. (1) A liquid industrial waste transporter shall  
23 certify acceptance of waste for transportation by completing the  
24 transporter section of the manifest, and shall deliver the liquid  
25 industrial waste and accompanying manifest only to the designated  
26 facility specified by the generator on the manifest.

27 (2) The liquid industrial waste transporter shall retain all

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

8 (3) The department may authorize, for certain waste streams,  
9 the use of a consolidated manifest as authorized under section  
10 12103(1)(d). If a consolidated manifest is authorized by the  
11 department and utilized by a generator, the transporter shall give  
12 to the generator a receipt documenting the transporter's company  
13 name, driver's signature, date of pickup, type and quantity of  
14 waste removed, the consolidated manifest number, and the designated  
15 facility.

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

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

22 (b) Keep a copy of all trip logs available during  
23 transportation, at a minimum, for the current shipment in  
24 transportation and retain these records as specified in subsection  
25 (2).

26 (c) Obtain and utilize a site identification number assigned  
27 by the United States environmental protection agency or the

1 department. Until October 1, ~~2011~~,**2013**, the department shall  
2 assess a site identification number user charge of \$50.00 for each  
3 site identification number it issues. The department shall not  
4 issue a site identification number under this subdivision unless  
5 the site identification number user charge and the tax  
6 identification number for the person applying for the site  
7 identification number have been received. Money collected under  
8 this subdivision shall be forwarded to the state treasurer for  
9 deposit into the environmental pollution prevention fund created in  
10 section 11130 and credited to the hazardous waste and liquid  
11 industrial waste users account created in section 11130(5).

12 Sec. 12112. (1) Except as provided in section 12103(4), the  
13 owner or operator of a facility that accepts liquid industrial  
14 waste shall accept delivery of waste at the designated facility  
15 only if delivery is accompanied by a manifest or consolidated  
16 manifest properly certified by the generator and the transporter  
17 and the facility is the destination indicated on the manifest. The  
18 facility owner or operator shall do all of the following:

19 (a) Obtain and utilize a site identification number either  
20 assigned from the United States environmental protection agency or  
21 the department. Until October 1, ~~2011~~,**2013**, the department shall  
22 assess a site identification number user charge of \$50.00 for each  
23 site identification number it issues. The department shall not  
24 issue a site identification number under this subdivision unless  
25 the site identification number user charge and the tax  
26 identification number for the person applying for the site  
27 identification number have been received. Money collected under

1 this subdivision shall be forwarded to the state treasurer for  
2 deposit into the environmental pollution prevention fund created in  
3 section 11130 and credited to the hazardous waste and liquid  
4 industrial waste users account created in section 11130(5).

5 (b) Certify on the manifest receipt of the liquid industrial  
6 waste by completing the facility section of the manifest and  
7 returning a signed copy of the manifest to the department within a  
8 period of 10 days after the end of the month for all liquid  
9 industrial waste received within the month.

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

11 (d) Maintain records of the characterization of the waste.  
12 Characterization shall be in accordance with the requirements of  
13 part 111.

14 (2) All storage, treatment, and reclamation of liquid  
15 industrial waste at the designated facility shall be in either  
16 containers or tanks or as otherwise specified in section 12113(5).  
17 Storage, treatment, or reclamation regulated under part 615 or the  
18 rules, orders, or instructions promulgated under that part, or  
19 regulated under part C of title XIV of the public health service  
20 act, 42 USC 300h to 300h-8, or the regulations promulgated under  
21 that part are exempt from this subsection.

22 (3) The owner or operator of a designated facility shall not  
23 store liquid industrial waste for longer than 1 year unless the  
24 liquid industrial waste is being stored for purposes of reclamation  
25 and not less than 75% of the cumulative amount, by weight or  
26 volume, of each type of liquid industrial waste that is stored on  
27 site each calendar year is reclaimed or transferred to a different



1 site for reclamation during that calendar year. The owner or  
2 operator of a designated facility shall maintain documentation that  
3 demonstrates compliance with this subsection.

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

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

17 (2) Except as provided in subsections (3) and (4), until  
18 October 1, ~~2011~~2015, an application for a permit shall be  
19 accompanied by a fee based on an administrative cost in accordance  
20 with the following schedule:

21 (a) For **ACTIVITIES INCLUDED IN** a minor project ~~listed in R~~  
22 ~~291.816 of the Michigan administrative code~~ **CATEGORY**, or a seasonal  
23 drawdown or the associated reflooding, or both, of a dam or  
24 impoundment for the purpose of weed control, a fee of \$50.00.  
25 However, for a permit for a seasonal drawdown or associated  
26 reflooding, or both, of a dam or impoundment for the purpose of  
27 weed control that is issued for the first time after October 9,

1 1995, an initial fee of \$500.00 with subsequent permits for the  
2 same purpose being assessed a \$50.00 fee.

3 (b) For authorization under a general permit, a \$50.00 fee.

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

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

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

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

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

12 (v) \$1,500.00 if an existing permitted marina proposes  
13 maintenance dredging of 10,000 cubic yards or more or the addition  
14 of seawalls, bulkheads, or revetments of 500 feet or more.

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

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

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

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

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

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

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

27 (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 (e) For all other projects not listed in subdivisions (a)  
8 through (d), a fee of \$500.00.

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

13 (a) Part 303.

14 (b) Part 323.

15 (c) Part 325.

16 (d) Section 3104.

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

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

24 Sec. 30109. Upon the written request of a riparian owner and  
25 upon payment of a service fee, the department may enter into a  
26 written agreement with a ~~THE~~ riparian owner establishing the  
27 location of the ordinary high-water mark for his or her property.

1 In the absence of substantially changed conditions, the agreement  
2 shall be conclusive proof of the location in all matters between  
3 the state and the riparian owner and his or her successors in  
4 interest. Until October 1, ~~2011~~2015, the service fee provided for  
5 in this section shall be \$500.00. The department shall forward all  
6 service fees collected under this section to the state treasurer  
7 for deposit into the fund.

8 Sec. 32312. (1) ~~The department, in order to~~TO regulate the  
9 uses and development of high-risk areas, flood risk areas, and  
10 environmental areas and to implement the purposes of this part, **THE**  
11 **DEPARTMENT** shall promulgate rules. If permits are required under  
12 rules promulgated under this part, the permits shall be issued  
13 pursuant to the rules and part 13. Except as provided under  
14 subsection (2), until October 1, ~~2011~~2015, if permits are  
15 required pursuant to rules promulgated under this part, an  
16 application for a permit shall be accompanied by a fee as follows:

17 (a) For a commercial or ~~multi-family~~**MULTIFAMILY** residential  
18 project, \$500.00.

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

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

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

27 (a) Part 301.

1 (b) Part 303.

2 (c) Part 325.

3 (d) Section 3104.

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

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

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

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

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

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

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

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

25 (e) Other information required by the department.

26 (2) Except as provided in subsections (3) and (4), until  
27 October 1, ~~2011~~ **2015**, an application for a permit under this

1 section shall be accompanied by the following fee, as applicable:

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

4 (b) For activities included in ~~the A~~ minor project category ~~as~~  
5 ~~described in rules promulgated under this part~~ and for a permit for  
6 the removal of vegetation in an area that is not more than 100 feet  
7 wide or the width of the property, whichever is less, or the mowing  
8 of vegetation under a general permit, in the area between the  
9 ordinary high-water mark and the water's edge, a fee of \$50.00.

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

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

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

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

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

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

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

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

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

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

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

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

3 (vi) New breakwater or channel jetty.

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

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

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

11 (3) 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) Section 3104.

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

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

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

1           Sec. 80130. (1) The secretary of state may provide a  
2 commercial lookup service of records maintained under this part.  
3 For each individual record looked up, the secretary of state shall  
4 charge a fee specified annually by the legislature, or if none, a  
5 market-based price established by the secretary of state. The  
6 secretary of state shall process a commercial lookup request only  
7 if the request is in a form or format prescribed by the secretary  
8 of state. Fees collected under this subsection on and after October  
9 1, 2005 shall be credited to the transportation administration  
10 collection fund created in section 810b of the Michigan vehicle  
11 code, 1949 PA 300, MCL 257.810b, through October 1, ~~2011~~2015.

12           (2) ~~In order to~~ **TO** provide an individual, historical boating  
13 record, the secretary of state shall create and maintain a  
14 computerized central file that includes the information contained  
15 on application forms received under this part and the name of each  
16 person who is convicted of an offense, who fails to comply with an  
17 order or judgment issued, or against whom an order is entered under  
18 this part. The computerized central file shall be interfaced with  
19 the law enforcement information network as provided in the C.J.I.S.  
20 policy council act, 1974 PA 163, MCL 28.211 to 28.215.

21           (3) The secretary of state shall not provide an entire  
22 computerized central or other file of records maintained under this  
23 part to a nongovernmental person or entity unless the purchaser  
24 pays the prescribed fee or price for each individual record  
25 contained within the computerized file.

26           (4) A certified copy of an order, record, or paper maintained  
27 under this part is admissible in evidence in the same manner as the



1 original and is prima facie proof of the facts stated in the  
2 original.

3       Sec. 80315. (1) Records maintained under this part, other than  
4 those declared to be confidential by law or that are restricted by  
5 law from disclosure to the public, shall be available to the public  
6 under procedures prescribed in this part ~~and~~ and in the freedom of  
7 information act, 1976 PA 442, MCL 15.231 to 15.246.

8       (2) The secretary of state may provide a commercial lookup  
9 service of watercraft title records maintained under this part. For  
10 each individual record looked up, the secretary of state shall  
11 charge a fee specified annually by the legislature, or if none, a  
12 market-based price established by the secretary of state. The  
13 secretary of state shall process a commercial lookup request only  
14 if the request is in a form or format prescribed by the secretary  
15 of state. Fees collected under this subsection on and after October  
16 1, 2005 shall be credited to the transportation administration  
17 collection fund created in section 810b of the Michigan vehicle  
18 code, 1949 PA 300, MCL 257.810b, through October 1, ~~2011~~2015.

19       (3) The secretary of state shall create and maintain a  
20 computerized central file that includes the information contained  
21 on application forms received under this part. The computerized  
22 central file shall be interfaced with the law enforcement  
23 information network as provided in the C.J.I.S. policy council act,  
24 1974 PA 163, MCL 28.211 to 28.215.

25       (4) The secretary of state shall not provide an entire  
26 computerized central or other file of records maintained under this  
27 part to a nongovernmental person or entity ~~unless~~ unless the purchaser

1 pays the prescribed fee or price for each individual record  
2 contained within the computerized file.

3 (5) A certified copy of an order, record, or paper maintained  
4 under this part is admissible in evidence in the same manner as the  
5 original and is prima facie proof of the facts stated in the  
6 original.

7 Sec. 81114. (1) Records maintained under this part, other than  
8 those declared to be confidential by law or that are restricted by  
9 law from disclosure to the public, shall be available to the public  
10 under procedures prescribed in this part ~~—~~and in the freedom of  
11 information act, 1976 PA 442, MCL 15.231 to 15.246.

12 (2) The secretary of state may provide a commercial lookup  
13 service of ORV operation, title, and registration records  
14 maintained under this part. For each individual record looked up,  
15 the secretary of state shall charge a fee specified annually by the  
16 legislature, or if none, a market-based price established by the  
17 secretary of state. The secretary of state shall process a  
18 commercial lookup request only if the request is in a form or  
19 format prescribed by the secretary of state. Fees collected under  
20 this subsection on and after October 1, 2005 shall be credited to  
21 the transportation administration collection fund created in  
22 section 810b of the Michigan vehicle code, 1949 PA 300, MCL  
23 257.810b, through October 1, ~~2011~~-2015.

24 (3) The secretary of state shall create and maintain a  
25 computerized central file that includes the information contained  
26 on application forms received under this part and the name of each  
27 person who is convicted of an offense, who fails to comply with an

1 order or judgment issued, or against whom an order is entered under  
2 this part. The computerized central file shall be interfaced with  
3 the law enforcement information network as provided in the C.J.I.S.  
4 policy council act, 1974 PA 163, MCL 28.211 to 28.215.

5 (4) The secretary of state may purge a record of an ORV  
6 certificate of title and any record pertaining to it 7 years after  
7 the title was issued or the record was made or received.

8 (5) The secretary of state shall not provide an entire  
9 computerized central or other file of records maintained under this  
10 part to a nongovernmental person or entity ~~—~~unless the purchaser  
11 pays the prescribed fee or price for each individual record  
12 contained within the computerized file.

13 (6) A certified copy of an order, record, or paper maintained  
14 under this part is admissible in evidence in the same manner as the  
15 original and is prima facie proof of the facts stated in the  
16 original.

17 Sec. 82156. (1) Records maintained under this part, other than  
18 those declared to be confidential by law or that are restricted by  
19 law from disclosure to the public, shall be available to the public  
20 under procedures prescribed in this part ~~—~~and in the freedom of  
21 information act, 1976 PA 442, MCL 15.231 to 15.246.

22 (2) The secretary of state may provide a commercial lookup  
23 service of snowmobile operation, title, and registration records  
24 maintained under this part. For each individual record looked up,  
25 the secretary of state shall charge a fee specified annually by the  
26 legislature, or if none, a market-based price established by the  
27 secretary of state. The secretary of state shall process a

1 commercial lookup request only if the request is in a form or  
2 format prescribed by the secretary of state. Fees collected under  
3 this subsection on and after October 1, 2005 shall be credited to  
4 the transportation administration collection fund created in  
5 section 810b of the Michigan vehicle code, 1949 PA 300, MCL  
6 257.810b, through October 1, ~~2011~~2015.

7 (3) ~~In order to~~ TO provide an individual, historical  
8 snowmobiling record, the secretary of state shall create and  
9 maintain a computerized central file that includes the information  
10 contained on application forms received under this part and the  
11 name of each person who is convicted of an offense, who fails to  
12 comply with an order or judgment issued, or against whom an order  
13 is entered under this part or former 1968 PA 74. The computerized  
14 central file shall be interfaced with the law enforcement  
15 information network as provided in the C.J.I.S. policy council act,  
16 1974 PA 163, MCL 28.211 to 28.215.

17 (4) The secretary of state shall not provide an entire  
18 computerized central or other file of records maintained under this  
19 part to a nongovernmental person or entity ~~—~~unless the purchaser  
20 pays the prescribed fee or price for each individual record  
21 contained within the computerized file.

22 (5) A certified copy of an order, record, or paper maintained  
23 in this record is admissible in evidence in like manner as the  
24 original and is prima facie proof of the facts stated in the  
25 original.