

JOINT LOCAL ADMINISTRATION FOR SOIL EROSION

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Senate Bill 965 as passed by the Senate
Sponsor: Sen. Joe Hune
House Committee: Natural Resources
Senate Committee: Natural Resources
Complete to 11-27-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 965 would amend Part 91 (Soil Erosion and Sedimentation) of the Natural Resources and Environmental Protection Act (NREPA) to allow two or more municipalities to have joint administration and enforcement of the act.

NREPA prohibits a person from undertaking or maintaining an *earth change* except in accordance with the act and with applicable local ordinances. A person may become exempt from this prohibition by gaining a permit issued by the appropriate county or municipal enforcing agency. NREPA holds counties responsible for the administration of Part 91, except within a *municipality* that assumes this responsibility for soil erosion and sedimentation control, and for earth changes except those performed by authorized public agencies. Such a municipality would be allowed to pass ordinances on soil erosion and sedimentation control for public and private earth changes within its boundaries, except that a township ordinance is not applicable within a village that already has such an ordinance in effect.

Earth change means any artificial change to the natural cover or topography of land that may lead to soil erosion or sedimentation of the waters of the state. The term does not apply to plowing and tilling soil in crop production, and no permit is required for logging, mining, or other specified activities.

Municipality means any city, village, charter township, or general law township with a population of 200,000 or more.

The bill would allow two or more municipalities to provide for joint administration and enforcement of Part 91 and the rules promulgated under Part 91 by entering into a written interlocal agreement pursuant to the Urban Cooperation Act of 1967. If all of the municipalities are not located—in whole or in part—within the same county, however, then the agreement would not take effect unless the Department of Environmental Quality (DEQ) approved the agreement in writing. The DEQ would have to approve the agreement if it determined that the agreement would promote the effective administration and enforcement of the act and the rules promulgated under it.

The bill would take effect 90 days after it is enacted.

MCL 324.9106

FISCAL IMPACT:

Senate Bill 965 is unlikely to affect costs or revenues for the DEQ or local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.