

SUBSTITUTE FOR
SENATE BILL NO. 447

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 3118, 3120, 30104, 30109, 32312, and 32513
(MCL 324.3118, 324.3120, 324.30104, 324.30109, 324.32312, and
324.32513), section 3118 as amended by 2017 PA 40, section 3120 as
amended by 2015 PA 82, and sections 30104, 30109, 32312, and 32513
as amended by 2015 PA 76.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3118. (1) Except as otherwise provided in this section,
2 until October 1, ~~2019~~, **2023**, the department shall collect **the**
3 **following** stormwater discharge fees from persons ~~who~~ **that** apply for
4 or have been issued stormwater discharge permits: ~~as follows:~~

5 (a) A 1-time fee of \$400.00 ~~is required~~ for a permit related



1 solely to a site of construction activity for each permitted site.
 2 The fee shall be submitted ~~by the permit applicant with his or her~~
 3 **with the** application for an individual permit or for a certificate
 4 of coverage under a general permit. For a permit by rule, the fee
 5 shall be submitted by the construction site permittee ~~along with~~
 6 ~~his or her~~ **with the** notice of coverage. A person needing more than
 7 1 permit may submit a single payment for more than 1 permit and
 8 receive appropriate credit. Payment of the fee under this
 9 subdivision or verification of prepayment is a necessary part of a
 10 valid permit application or notice of coverage under a permit by
 11 rule.

12 (b) An annual fee of \$260.00 ~~is required~~ for a permit related
 13 solely to a stormwater discharge associated with industrial
 14 activity or from a commercial site for which the department
 15 determines a permit is needed.

16 (c) ~~An~~ **Except as provided in subdivision (d), (e), or (f), an**
 17 annual fee of \$500.00 ~~is required~~ for a permit for a municipal
 18 separate storm sewer system. ~~, unless the permit is issued to a~~
 19 ~~city, a village, a township, or a county or is a single permit~~
 20 ~~authorization for municipal separate storm sewer systems in~~
 21 ~~multiple locations statewide.~~

22 (d) ~~An annual fee for~~ **For** a permit for a municipal separate
 23 storm sewer system issued to a city, village, or township, ~~shall be~~
 24 **an annual fee** determined by its population in an urbanized area as
 25 defined by the United States Bureau of the Census ~~. The fee shall~~
 26 ~~be~~ **and, except as provided in subsection (11),** based on the latest
 27 available decennial census, as follows:

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



1 (ii) For a population of more than 1,000 people, but fewer than
2 3,001 people, ~~the annual fee is \$1,000.00.~~

3 (iii) For a population of more than 3,000 people, but fewer than
4 10,001 people, ~~the annual fee is \$2,000.00.~~

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

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

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

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

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

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

17 (f) ~~An annual fee for~~ **For** a single municipal separate storm
18 sewer systems permit authorizing a state or federal agency to
19 operate municipal separate storm sewer systems in multiple
20 locations statewide, ~~shall be an annual fee~~ determined ~~in~~
21 ~~accordance with~~ **pursuant to** a memorandum of understanding between
22 that state or federal agency and the department and ~~shall be based~~
23 on the projected ~~needs by~~ **costs of** the department to administer the
24 permit.

25 (2) A stormwater discharge permit is not required for a
26 municipality that does not own or operate a separate storm sewer
27 system. The department shall not collect stormwater discharge fees
28 under this section from a municipality that does not own or operate
29 a separate storm sewer system.



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

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

13 (5) If a stormwater permit is issued for a drainage district,
14 the drainage district is responsible for the applicable fee under
15 this section.

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

20 (7) The department shall forward ~~all~~ fees and interest
21 payments collected under this section to the state treasurer for
22 deposit into the fund.

23 (8) The department shall ~~make~~ **require the** payment of the
24 ~~required~~ fee assessed under this section **as** a condition of issuance
25 or reissuance of a permit not related solely to a site of
26 construction activity.

27 (9) In addition to any other penalty provided in this part, if
28 a person fails to pay the fee required under this section by its
29 due date, the person is in violation of this part and the



1 department may undertake enforcement actions as authorized under
2 this part.

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

5 (11) If the permit is for a municipal separate storm sewer
6 system and the population served by that system is different than
7 that determined by the latest decennial census, the permittee may
8 appeal the annual fee determination and submit written verification
9 of actual population served by the municipal separate storm sewer
10 system.

11 (12) A person who wishes to appeal either a fee or a penalty
12 assessed under this section is limited to an administrative appeal
13 ~~, in accordance with~~ **under** section 631 of the revised judicature
14 act of 1961, 1961 PA 236, MCL 600.631. The appeal shall be filed
15 within 30 days ~~of~~ **after** the department's fee notification under
16 subsection (4).

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

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

20 (b) "Clean water act" means the federal water pollution
21 control act, 33 USC 1251 to ~~1376.~~ **1388**.

22 (c) "Construction activity" means a human-made earth change or
23 disturbance in the existing cover or topography of land that is 5
24 acres or more in size, for which a national permit is required
25 pursuant to 40 CFR 122.26(a), and which is described as a
26 construction activity in 40 CFR 122.26(b)(14)(x). Construction
27 activity includes clearing, grading, and excavating activities.
28 Construction activity does not include the practice of clearing,
29 plowing, tilling soil, and harvesting for the purpose of crop



1 production.

2 (d) "Fee" means a stormwater discharge fee authorized under
3 this section.

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

5 (f) "General permit" means a permit issued authorizing a
6 category of similar discharges.

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

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

23 (i) "Notice of coverage" means a notice that a person engaging
24 in construction activity agrees to comply with a permit by rule for
25 that activity. A notice of coverage is not required to include a
26 copy of an individual permit issued under part 91 if the notice of
27 coverage includes a copy of a permit for the construction activity
28 issued under part 615, 625, 631, 632, or 634, along with any forms
29 or diagrams pertaining to soil erosion and sedimentation control



1 that were part of the application for that permit.

2 (j) "Permit", unless the context implies otherwise, or
 3 "stormwater discharge permit" means a permit authorizing the
 4 discharge of wastewater or any other substance to surface waters of
 5 the state under the national pollutant discharge elimination
 6 system, pursuant to the clean water act or this part and the ~~rules~~
 7 ~~and regulations~~ **or rules** promulgated under that act or this part.

8 (k) "Public body" means the United States, this state, a city,
 9 village, township, county, school district, public college or
 10 university, or single purpose governmental agency, or any other
 11 body that is created by federal or state ~~statute or law~~.

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

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

18 (ii) The system is not part of a publicly owned treatment
 19 works.

20 (m) ~~"Stormwater"~~ **"Stormwater"** means stormwater runoff,
 21 snowmelt runoff, and surface runoff and drainage.

22 (n) "Stormwater discharge associated with industrial activity"
 23 means a point source discharge of stormwater from a facility that
 24 is ~~defined as an~~ **considered to be engaging in** industrial activity
 25 under 40 CFR 122.26(b)(14)(i) to (ix) and (xi).

26 Sec. 3120. (1) Until October 1, ~~2019,~~ **2023**, an application for
 27 a new permit, a reissuance of a permit, or a modification of an
 28 existing permit under this part authorizing a discharge into
 29 surface water, other than a storm water discharge, shall be



1 accompanied by an application fee as follows:

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

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

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

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

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

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

17 (a) **The** department shall return to the applicant the
18 application fee submitted under subsection (1). ~~and the~~

19 (b) **The** applicant ~~shall-is~~ not ~~be~~-subject to an application
20 fee. ~~and~~

21 (c) **The applicant** shall receive a 15% annual discount on an
22 annual permit fee required for a permit issued based ~~upon-on~~ that
23 application.

24 (5) Until October 1, ~~2019,~~**2023**, a person who receives a
25 permit under this part authorizing a discharge into surface water,
26 other than a stormwater discharge, is subject to an annual permit
27 fee as follows:

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



1 (b) For an industrial or commercial facility that is an EPA
 2 minor facility, the following ~~amounts:~~**amount:**

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

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

5 (iii) For an individual permit for a low-flow facility,
 6 \$1,650.00.

7 (iv) For an individual permit for a high-flow facility,
 8 \$3,650.00.

9 (c) For a municipal facility that is an EPA major facility,
 10 the following ~~amounts:~~**amount:**

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

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

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

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

19 (d) For a municipal facility that is an EPA minor facility,
 20 the following ~~amounts:~~**amount:**

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

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

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

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

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



1 (e) For a municipal facility that is a CSO facility,
2 \$6,000.00.

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

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

7 (i) The facility is an EPA minor facility and would qualify for
8 a general permit for a low-flow facility, in which case the fee is
9 \$150.00.

10 (ii) The facility is an EPA major facility that is not a
11 farmers' cooperative corporation, in which case the fee is
12 \$8,700.00.

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

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

26 (7) The department shall send invoices for annual permit fees
27 under subsection (5) to all permit holders by December 1 of each
28 year. ~~The A~~ fee shall be based on the status of the facility as of
29 October 1 of that year. A person subject to an annual permit fee



1 shall pay the fee not later than January 15 of each year. Failure
2 by the department to send **a person** an invoice by ~~the deadline,~~
3 **December 1**, or failure of a person to receive an invoice, does not
4 relieve that person of ~~his or her~~ **the** obligation to pay the annual
5 permit fee. If the department does not ~~meet the~~ **send invoices by**
6 December 1, ~~deadline for sending invoices,~~ the annual permit fee is
7 due not later than 45 days after ~~receiving~~ **the permittee receives**
8 an invoice. The department shall forward annual permit fees
9 received under this section to the state treasurer for deposit into
10 the national pollutant discharge elimination system fund created in
11 section 3121.

12 (8) The department shall assess a penalty on all annual permit
13 fee payments submitted under this section after the due date. The
14 penalty ~~shall be an amount equal to~~ **is** 0.75% of the payment due for
15 each month or portion of a month the payment remains past due.

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



1 contested case hearing as provided for under the administrative
2 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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

5 (11) As used in this section:

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

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

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

29 (d) "CSO facility" means a facility whose discharge is solely



1 a combined sewer overflow.

2 (e) "EPA major facility" means a **major** facility ~~that is~~
3 ~~designated by the United States Environmental Protection Agency as~~
4 ~~being a major facility under~~ **as defined in** 40 CFR 122.2.

5 (f) "EPA minor facility" means a facility that is not an EPA
6 major facility.

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

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

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

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

20 (k) "Industrial or commercial facility" means a facility that
21 is not a municipal facility.

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

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

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

29 (o) "Wastewater stabilization lagoon" means a ~~type of~~



1 treatment system constructed of ponds or basins designed to
 2 receive, hold, and treat sanitary wastewater for a predetermined
 3 amount of time through a combination of physical, biological, and
 4 chemical processes.

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

11 (2) Except as provided in subsections (3) and (4), until
 12 October 1, ~~2019~~, **2023**, an application for a permit shall be
 13 accompanied by an application fee based on an administrative cost
 14 in accordance with the following schedule:

15 (a) For ~~a~~**an initial** permit for a seasonal drawdown or
 16 associated reflooding, or both, of a dam or impoundment for the
 17 purpose of weed control that is issued for the first time after
 18 October 9, 1995, ~~an initial~~**a** fee of \$500.00, ~~with~~**but for**
 19 subsequent permits for the same purpose ~~being assessed~~**a fee of**
 20 \$50.00. ~~fee.~~

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

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

25 (d) For construction or expansion of a marina, a fee as
 26 follows:

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

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



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

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

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

10 (e) For major projects other than a project described in
11 subdivision (d) (v), involving any of the following, a fee of
12 \$2,000.00:

13 (i) Dredging of 10,000 cubic yards or more, unless the dredge
14 material has been determined through testing to be 90% or more
15 sand.

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

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

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

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

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

24 (vii) New commercial docks or wharves of 300 feet or more in
25 length.

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

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

28 (x) New golf courses.



1 (xi) Subdivisions.

2 (xii) Condominiums.

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

5 (g) For all other projects not listed in subdivisions (a)
6 through (f), a fee of \$500.00.

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

11 (a) Section 3104.

12 (b) Part 303.

13 (c) Part 323.

14 (d) Part 325.

15 (e) Section 117 of the land division act, 1967 PA 288, MCL
16 560.117.

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

22 (5) If the department denies an application for a permit under
23 this part, the department shall promptly refund the application fee
24 paid under this section.

25 Sec. 30109. Upon the written request of a riparian owner and
26 upon payment of a service fee, the department may enter into a
27 written agreement with the riparian owner establishing the location
28 of the ordinary high-water mark for his or her property. In the
29 absence of substantially changed conditions, the agreement ~~shall be~~



1 **is** conclusive proof of the location in all matters between the
 2 state and the riparian owner and his or her successors in interest.
 3 Until October 1, ~~2019~~, **2023**, the service fee provided for in this
 4 section ~~shall be~~ **is** \$500.00. The department shall forward all
 5 service fees collected under this section to the state treasurer
 6 for deposit into the fund.

7 Sec. 32312. (1) To regulate the uses and development of high-
 8 risk areas, flood risk areas, and environmental areas and to
 9 implement the purposes of this part, the department shall
 10 promulgate rules. If permits are required under rules promulgated
 11 under this part, the permits shall be issued pursuant to the rules
 12 and part 13. Except as provided under subsection (2), until October
 13 1, ~~2019~~, **2023**, if permits are required pursuant to rules
 14 promulgated under this part, an application for a permit shall be
 15 accompanied by a fee as follows:

16 (a) For a commercial or multifamily residential project,
 17 \$500.00.

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

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

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

26 (a) Part 301.

27 (b) Part 303.

28 (c) Part 325.

29 (d) Section 3104.



1 (e) Section 117 of the land division act, 1967 PA 288, MCL
2 560.117.

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

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

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

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

16 (b) The legal description of the lands included in the
17 project.

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

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

22 (e) Other information required by the department.

23 (2) Except as provided in subsections (3) and (4), until
24 October 1, ~~2019~~, **2023**, an application for a permit under this
25 section shall be accompanied by the following fee, as applicable:

26 (a) For a project in a category of activities for which a
27 general permit is issued under section ~~32512a~~, **32512a (2)**, a fee of
28 \$50.00.

29 (b) For activities included in a minor project category



1 established under section 32512a(1), a fee of \$100.00.

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

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

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

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

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

10 (v) \$1,500.00 if an existing permitted marina proposes
11 maintenance dredging of 10,000 cubic yards or more, unless the
12 dredge material has been determined through testing to be 90% or
13 more sand, or the addition of seawalls, bulkheads, or revetments of
14 500 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, unless the dredge
19 material has been determined through testing to be 90% or more
20 sand.

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

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

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

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

26 (vi) New breakwater or channel jetty.

27 (vii) Shore protection, such as groins and underwater
28 stabilizers, that extend 150 feet or more on Great Lakes



1 bottomlands.

2 (viii) New commercial dock or wharf of 300 feet or more in
3 length.

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

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

9 (a) Section 3104.

10 (b) Part 301.

11 (c) Part 303.

12 (d) Part 323.

13 (e) Section 117 of the land division act, 1967 PA 288, MCL
14 560.117.

15 (4) 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 if the
18 application is accompanied by a fee equal to 2 times the permit fee
19 otherwise required under this section.

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

