

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 264

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 1301 and 3109c (MCL 324.1301 and 324.3109c),
section 1301 as amended by 2012 PA 249 and section 3109c as added
by 2006 PA 97, and by adding sections 30106b and 32515a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1301. As used in this part:

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

6 (b) "Department" means the department, agency, or officer
7 authorized by this act to approve or deny an application for a

1 particular permit.

2 (c) "Director" means the director of the state department
3 authorized under this act to approve or deny an application for a
4 particular permit or the director's designee.

5 (d) "Permit" means a permit or operating license required by
6 any of the following sections or by rules promulgated thereunder,
7 or, in the case of section 9112, by an ordinance adopted
8 thereunder:

9 (i) Section 3104, floodplain alteration permit.

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

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

12 (iv) Section 6516, vehicle testing license.

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

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

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

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

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

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

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

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

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

- 1 (xiv) Section 11709, septage waste site permit.
- 2 (xv) Section 30104, inland lakes and streams project permit.
- 3 (xvi) Section 30304, state permit for dredging, filling, or
4 other activity in wetland. Permit includes an authorization for a
5 specific project to proceed under a general permit issued under
6 section 30312.
- 7 (xvii) Section 31509, dam construction, repair, or removal
8 permit.
- 9 (xviii) Section 32312, flood risk, high risk, or environmental
10 area permit.
- 11 (xix) Section ~~32503~~, **32512**, permit for dredging and filling
12 bottomland.
- 13 (xx) Section 32603, permit for submerged log removal from Great
14 Lakes bottomlands.
- 15 (xxi) Section 35304, department permit for critical dune area
16 use.
- 17 (xxii) Section 36505, endangered species permit.
- 18 (xxiii) Section 41702, game bird hunting preserve license.
- 19 (xxiv) Section 42101, dog training area permit.
- 20 (xxv) Section 42501, fur dealer's license.
- 21 (xxvi) Section 42702, game dealer's license.
- 22 (xxvii) Section 44513, charter boat operating permit under
23 reciprocal agreement.
- 24 (xxviii) Section 44516, boat livery operating permit.
- 25 (xxix) Section 45503, permit to take frogs for scientific use.
- 26 (xxx) Section 45902, game fish propagation license.
- 27 (xxxi) Section 45906, game fish import license.

1 (xxxii) Section 61525, oil or gas well drilling permit.

2 (xxxiii) Section 62509, brine, storage, or waste disposal well
3 drilling or conversion permit or test well drilling permit.

4 (xxxiv) Section 63103a, ferrous mineral mining permit.

5 (xxxv) Section 63514 or 63525, surface coal mining and
6 reclamation permit or revision of the permit, respectively.

7 (xxxvi) Section 63704, sand dune mining permit.

8 (xxxvii) Section 72108, use permits for Michigan railway.

9 (xxxviii) Section 76109, sunken aircraft or watercraft abandoned
10 property recovery permit.

11 (xxxix) Section 76504, Mackinac Island motor vehicle and land
12 use permits.

13 (xxxx) Section 80159, buoy or beacon permit.

14 (e) "Processing deadline" means the last day of the processing
15 period.

16 (f) "Processing period" means the following time period after
17 the close of the application period, for the following permit, as
18 applicable:

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

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

21 (iii) Thirty days after the department consults with the
22 underwater salvage and preserve committee created under section
23 76103, for a permit under section 76109.

24 (iv) Sixty days, for a permit under section 30104 for a minor
25 project ~~as established by rule under section 30105(7)~~ **OR 32512A(1),**
26 **OR AN AUTHORIZATION FOR A SPECIFIC PROJECT TO PROCEED UNDER A**
27 **GENERAL PERMIT ISSUED SECTION 30105(8) OR 32512A(2),** or for a

1 permit under section 32312.

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

4 (vi) Sixty days or, if a hearing is held, 120 days for a permit
5 under section 30104, other than a permit ~~for a minor project as~~
6 ~~established by rule under section 30105(7),~~ **OR AUTHORIZATION**
7 **DESCRIBED IN SUBPARAGRAPH (ii) OR (iv)**, or for a permit under section
8 31509.

9 (vii) Ninety days for a permit under section 11512, a revision
10 of a surface coal mining and reclamation permit under section
11 63525, or a permit under section 72108.

12 (viii) Ninety days or, if a hearing is held, 150 days for a
13 permit under section 3104 ~~, OR 30304, or 32503 or an authorization~~
14 ~~for a specific project to proceed under a general permit issued~~
15 ~~under section 30312.~~ **A PERMIT UNDER SECTION 32512 OTHER THAN A**
16 **PERMIT DESCRIBED IN SUBPARAGRAPH (iv).**

17 (ix) Ninety days after the close of the review or comment
18 period under section 32604, or if a public hearing is held, 90 days
19 after the date of the public hearing for a permit under section
20 32603.

21 (x) One hundred twenty days for a permit under section 11509,
22 11542, 63103a, 63514, or 63704.

23 (xi) One hundred fifty days for a permit under section 36505.
24 However, if a site inspection or federal approval is required, the
25 150-day period is tolled pending completion of the inspection or
26 receipt of the federal approval.

27 (xii) For any other permit, 150 days or, if a hearing is held,

1 90 days after the hearing, whichever is later.

2 Sec. 3109c. Notwithstanding any other provision of this part
3 or the rules promulgated under this part, the open water disposal
4 of ~~contaminated~~-dredge materials **THAT ARE CONTAMINATED WITH TOXIC**
5 **SUBSTANCES AS DEFINED IN R 323.1205 OF THE MICHIGAN ADMINISTRATIVE**
6 **CODE** is prohibited.

7 **SEC. 30106B. A PERMIT UNDER THIS PART TO DREDGE OR PLACE**
8 **DREDGED SPOILS ON BOTTOMLAND IS SUBJECT TO BOTH OF THE FOLLOWING:**

9 (A) **THE PERMIT SHALL BE VALID FOR A PERIOD OF 5 YEARS.**

10 (B) **DURING THE TERM OF THE PERMIT, THE DEPARTMENT SHALL NOT**
11 **REQUIRE ADDITIONAL ENVIRONMENTAL STUDIES OR SURVEYS UNLESS AN ACT**
12 **OF GOD RESULTS IN SIGNIFICANT GEOLOGICAL OR ECOLOGICAL CHANGES TO**
13 **THE PERMITTED AREA.**

14 **SEC. 32515A. A PERMIT UNDER THIS PART TO DREDGE OR PLACE**
15 **DREDGED SPOIL ON BOTTOMLAND IS SUBJECT TO ALL OF THE FOLLOWING:**

16 (A) **THE PERMIT SHALL BE VALID FOR A PERIOD OF 5 YEARS.**

17 (B) **DURING THE TERM OF THE PERMIT, THE DEPARTMENT SHALL NOT**
18 **REQUIRE ADDITIONAL ENVIRONMENTAL STUDIES OR SURVEYS UNLESS AN ACT**
19 **OF GOD RESULTS IN SIGNIFICANT GEOLOGICAL OR ECOLOGICAL CHANGES TO**
20 **THE PERMITTED AREA.**

21 (C) **THE PERMIT SHALL ALLOW, AT THE DISCRETION OF THE**
22 **APPLICANT, OPEN LAKE DISPOSAL OF DREDGE MATERIAL THAT IS NOT**
23 **CONTAMINATED WITH TOXIC SUBSTANCES AS DEFINED IN R 323.1205 OF THE**
24 **MICHIGAN ADMINISTRATIVE CODE IN WATERS AT THE 30-METER DEPTH**
25 **CONTOUR OR DEEPER. HOWEVER, DREDGE MATERIALS SHALL NOT BE DISPOSED**
26 **OF WITHIN A GREAT LAKES BOTTOMLAND PRESERVE ESTABLISHED UNDER PART**
27 **761, A PERMITTED SUBMERGED LOG REMOVAL AREA UNDER PART 326, OR A**

1 LAKE TROUT OR DIPOREIA REFUGE.