

SENATE BILL No. 422

June 9, 2011, Introduced by Senators KAHN and ANDERSON and referred to the Committee on Appropriations.

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, and 32513 (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, and 324.32513), 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, and section 32513 as amended by 2009 PA 120.

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

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

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

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

1 combined activities.

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

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

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

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

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

27 (a) Part 301.

1 (b) Part 303.

2 (c) Part 323.

3 (d) Part 325.

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

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

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

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

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

1 authorization for municipal separate storm sewer systems in
2 multiple locations statewide.

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

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

10 (ii) For a population of more than 1,000 people, but fewer than
11 3,001 people, the annual fee is \$1,000.00.

12 (iii) For a population of more than 3,000 people, but fewer than
13 10,001 people, the annual fee is \$2,000.00.

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

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

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

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

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

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

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

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

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

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

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

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

26 (6) The department shall assess interest on all fee payments
27 submitted under this section after the due date. The permittee

1 shall pay an additional amount equal to 0.75% of the payment due
2 for each month or portion of a month the payment remains past due.

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

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

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

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

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

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

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

27 (a) "Certificate of coverage" means a document issued by the

1 department that authorizes a discharge under a general permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 works.

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

4 (n) "Storm water discharge associated with industrial
5 activity" means a point source discharge of storm water from a
6 facility that is defined as an industrial activity under 40 CFR
7 ~~122.26(b)(14)(i-ix and xi)~~. **122.26(B)(14)(I) TO (IX) AND (XI)**.

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

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

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

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

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

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

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

1 application fee submitted under subsection (1) and the applicant
2 shall not be subject to an application fee and shall receive a 15%
3 annual discount on an annual permit fee required for a permit
4 issued based upon that application.

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

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

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

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

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

15 (iii) For an individual permit for a low-flow facility,
16 \$1,650.00.

17 (iv) For an individual permit for a high-flow facility,
18 \$3,650.00.

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

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

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

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

27 (iv) For an individual permit for a facility discharging less

1 than 10 MGD, \$5,500.00.

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

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

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

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

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

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

12 (e) For a municipal facility that is a CSO facility,
13 \$6,000.00.

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

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

18 (i) The facility is an EPA minor facility and would qualify for
19 a general permit for a low-flow facility, in which case the fee is
20 \$150.00.

21 (ii) The facility is an EPA major facility that is not a
22 farmers' cooperative corporation, in which case the fee is
23 \$8,700.00.

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

1 facility does have a discharge or at some point is no longer
2 connected to a municipal wastewater treatment system, the annual
3 permit fee shall be the appropriate fee as otherwise provided in
4 this subsection.

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

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

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

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

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

19 (11) As used in this section:

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

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

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

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

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

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

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

23 (g) "Farmers' cooperative corporation" means a farmers'
24 cooperative corporation organized within the limitations of section
25 98 of 1931 PA 327, MCL 450.98.

26 (h) "General permit" means a permit suitable for use at
27 facilities meeting eligibility criteria as specified in the permit.

1 With a general permit, the discharge from a specific facility is
2 acknowledged through a certificate of coverage issued to the
3 facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 of impact:

2 (a) Less than 1/2 acre, \$75.00.

3 (b) One-half acre or more but less than 5 acres, \$200.00.

4 (c) Five acres or more but less than 20 acres, \$400.00.

5 (d) Twenty acres or more but less than 100 acres, \$800.00.

6 (e) One hundred acres or more, \$1,500.00.

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

10 Sec. 11135. (1) A hazardous waste generator shall provide a
11 separate manifest to the transporter for each load of hazardous
12 waste transported to property that is not on the site where it was
13 generated. Until October 1, ~~2011~~, **2013**, a person required to
14 prepare a manifest shall submit to the department a manifest
15 processing user charge of \$6.00 per manifest and his or her tax
16 identification number. Each calendar year, the department may
17 adjust the manifest processing user charge as necessary to ensure
18 that the total cumulative amount of the user charges assessed
19 pursuant to this section and sections 11153, 12103, 12109, and
20 12112 are consistent with the target revenue projection for the
21 hazardous waste and liquid industrial waste users account as
22 provided for in section 11130(5). However, the manifest processing
23 user charge shall not exceed \$8.00 per manifest. Money collected
24 under this subsection shall be forwarded to the state treasurer for
25 deposit into the environmental pollution prevention fund created in
26 section 11130 and credited to the hazardous waste and liquid
27 industrial waste users account created in section 11130(5).

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

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

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

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

1 attempting to collect the amount owed under subdivision (a).

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

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

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

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

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

1 (9) The specified destination of each load of hazardous waste
2 identified on the manifest shall be a designated facility.

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

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

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

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

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

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

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

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

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

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

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

1 generates less than 900,000 kilograms during the calendar year
2 shall pay to the department an annual handler user charge of
3 \$400.00.

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

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

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

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

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

1 handler user charges have been suspended as provided for in
2 subsection (9).

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

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

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

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

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

1 and credited to the hazardous waste and liquid industrial waste
2 users account created in section 11130(5).

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

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

16 (10) As used in this section:

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

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

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

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

25 (b) Obtain and utilize, when needed for transportation, a site
26 identification number. Until October 1, ~~2011~~, **2013**, the department
27 shall assess a site identification number user charge of \$50.00 for

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

10 (c) If transporting liquid industrial waste, other than the
11 generator's own waste, by public roadway, engage, employ, or
12 contract for the transportation only with a transporter registered
13 and permitted under the hazardous materials transportation act,
14 1998 PA 138, MCL 29.471 to 29.480.

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

1 (e) Submit a copy of the manifest to the department by the
2 tenth day after the end of the month in which a load of waste is
3 transported.

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

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

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

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

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

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

1 (2) A generator who operates an on-site reclamation facility,
2 treatment facility, or disposal facility shall keep records of all
3 liquid waste produced and reclaimed, treated, or disposed of at his
4 or her facility.

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

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

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

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

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

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

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

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

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

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

23 (b) Keep a copy of all trip logs available during
24 transportation, at a minimum, for the current shipment in
25 transportation and retain these records as specified in subsection
26 (2).

27 (c) Obtain and utilize a site identification number assigned

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

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

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

1 identification number have been received. Money collected under
2 this subdivision shall be forwarded to the state treasurer for
3 deposit into 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 (b) Certify on the manifest receipt of the liquid industrial
7 waste by completing the facility section of the manifest and
8 returning a signed copy of the manifest to the department within a
9 period of 10 days after the end of the month for all liquid
10 industrial waste received within the month.

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

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

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

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

1 site each calendar year is reclaimed or transferred to a different
2 site for reclamation during that calendar year. The owner or
3 operator of a designated facility shall maintain documentation that
4 demonstrates compliance with this subsection.

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

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

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

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

1 weed control that is issued for the first time after October 9,
2 1995, an initial fee of \$500.00 with subsequent permits for the
3 same purpose being assessed a \$50.00 fee.

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

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

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

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

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

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

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

16 (d) For major projects other than a project described in
17 subdivision (c) (v), involving any of the following, a fee of
18 \$2,000.00:

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

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

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

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

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

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

1 (vii) New commercial docks or wharves of 300 feet or more in
2 length.

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

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

5 (x) New golf courses.

6 (xi) Subdivisions.

7 (xii) Condominiums.

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

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

14 (a) Part 303.

15 (b) Part 323.

16 (c) Part 325.

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 required 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 a ~~THE~~ riparian owner establishing the

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

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

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

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

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

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

1 (a) Part 301.

2 (b) Part 303.

3 (c) Part 325.

4 (d) Section 3104.

5 (e) Section 117 of the land division act, 1967 PA 288, MCL
6 560.117.

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

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

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

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

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

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

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

26 (e) Other information required by the department.

27 (2) Except as provided in subsections (3) and (4), until

1 October 1, ~~2011~~2015, an application for a permit under this
2 section shall be accompanied by the following fee, as applicable:

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

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

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

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

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

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

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

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

22 (d) For major projects other than a project described in
23 subdivision (c) (v), involving any of the following, a fee of
24 \$2,000.00:

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

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

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

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

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

4 (vi) New breakwater or channel jetty.

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

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

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

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

15 (a) Part 301.

16 (b) Part 303.

17 (c) Part 323.

18 (d) Section 3104.

19 (e) Section 117 of the land division act, 1967 PA 288, MCL
20 560.117.

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

26 (5) The department shall forward all fees collected under this
27 section to the state treasurer for deposit into the land and water

1 management permit fee fund created in section 30113.