

SENATE BILL No. 839

February 22, 2018, Introduced by Senator CASPERSON and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
 "Natural resources and environmental protection act,"
 by amending section 63207 (MCL 324.63207), as added by 2004 PA 449.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 63207. (1) A mining permit issued by the department ~~shall~~
 2 ~~remain~~**REMAINS** in effect until terminated or revoked by the
 3 department.

4 (2) The department may terminate a mining permit under 1 or
 5 more of the following conditions:

6 (a) The permittee has not commenced construction of plant
 7 facilities or conducted actual mining activities covered by the
 8 mining permit within 2 years after the effective date of the mining
 9 permit.

10 (b) The permittee has completed final reclamation of the

1 mining area and requests the termination of the mining permit and
2 the department determines all of the following:

3 (i) The mining operation has not polluted, impaired, or
4 destroyed the air, water, or other natural resources or the public
5 trust in those resources by activities conducted within the scope
6 of the permit.

7 (ii) The permittee has otherwise fulfilled all conditions
8 determined to be necessary by the department to protect the public
9 health, safety, and welfare and the environment.

10 (iii) The requirements for the postclosure monitoring period
11 have been satisfied.

12 (3) The department may revoke a mining permit pursuant to
13 section 63221.

14 (4) A **PERMITTEE SHALL NOT TRANSFER A** mining permit ~~may be~~
15 ~~transferred to a new operator with approval of the department after~~
16 ~~public notice as follows:~~ **UNLESS ALL OF THE FOLLOWING OCCUR:**

17 (a) The person acquiring the mining permit ~~shall submit~~
18 **SUBMITS** to the department on forms provided by the department a
19 request for transfer of the mining permit and ~~shall provide~~
20 **PROVIDES** the financial assurance required under section 63211.

21 (b) The person acquiring the mining permit ~~shall accept~~
22 **ACCEPTS** the conditions of the existing mining permit and ~~adhere~~
23 **ADHERES** to the requirements set forth in this part.

24 (c) If **THE DEPARTMENT DETERMINES THAT** the permittee is
25 ~~determined by the department to be in violation of this part or the~~
26 ~~rules promulgated under this part at the mining site involved in~~
27 ~~the transfer, then the mining permit shall not be transferred to a~~

1 ~~person until~~ the permittee has completed the necessary corrective
2 actions or the person acquiring the mining permit has entered into
3 a written consent agreement to correct all of the violations.

4 **(D) THE DEPARTMENT, AFTER PROVIDING PUBLIC NOTICE OF THE**
5 **PROPOSED TRANSFER, APPROVES THE TRANSFER.**

6 (5) Pending the transfer of an existing mining permit under
7 subsection (4), the proposed transferee shall not operate the mine.

8 (6) A mining permit ~~may~~ **SHALL** be amended as follows:

9 **(A) A MINING PERMIT AMENDMENT SHALL BE INITIATED AS PROVIDED**
10 **IN EITHER OF THE FOLLOWING:**

11 **(i)** ~~(a)~~ The permittee ~~may submit~~ **SUBMITS** to the department a
12 request to amend the mining permit to address anticipated changes
13 in the mining operation, including, if applicable, amendments to
14 the environmental impact assessment and to the mining, reclamation,
15 and environmental protection plan.

16 **(ii)** ~~(b)~~ The department ~~may require~~ **REQUIRES** a mining permit
17 to be amended ~~if the department determines~~ **AFTER DETERMINING** that
18 the terms and conditions of the mining permit are not providing the
19 intended reasonable protection of the environment, natural
20 resources, or public health and safety.

21 **(B)** ~~(c)~~ Within 30 days after receiving a request to amend a
22 mining permit **UNDER SUBDIVISION (A) (i)**, or upon a determination by
23 the department **UNDER SUBDIVISION (A) (ii)** that an amendment is
24 necessary, the department shall determine ~~within 30 days~~ whether
25 the ~~request~~ **PROPOSED AMENDMENT** constitutes a significant change
26 from the conditions of the approved mining permit. **IN MAKING THAT**
27 **DETERMINATION, THE DEPARTMENT SHALL CONSIDER WHETHER THE CHANGE**

1 WILL RESULT IN ENVIRONMENTAL IMPACTS THAT ARE MATERIALLY INCREASED
2 OR DIFFERENT FROM THOSE ADDRESSED IN THE APPROVED MINING PERMIT
3 CONDITIONS, THE MINING PERMIT APPLICATION, OR ANY ADDITIONAL
4 INFORMATION FORMING THE BASIS OF THE APPROVED MINING PERMIT
5 CONDITIONS.

6 (C) If the department determines UNDER SUBDIVISION (B) that
7 the request ~~is~~ CONSTITUTES a significant change from the conditions
8 of the approved mining permit, the department ~~may submit~~ SHALL IN
9 ITS SOLE DISCRETION DO 1 OF THE FOLLOWING:

10 (i) SUBMIT the request for amendment to the same review
11 process as provided for a new permit application in section
12 63205(4) to (9). ~~If a request to amend the mining permit is denied,~~
13 ~~the reasons for denial shall be stated in a written report to the~~
14 ~~permittee.~~

15 (ii) WITHIN 42 DAYS AFTER THE DETERMINATION THAT THE AMENDMENT
16 REQUEST CONSTITUTES A SIGNIFICANT CHANGE FROM THE CONDITIONS OF THE
17 APPROVED MINING PERMIT, HOLD A PUBLIC MEETING ON THE REQUEST. THE
18 DEPARTMENT SHALL GIVE NOTICE OF THE PUBLIC MEETING IN THE SAME
19 MANNER PROVIDED FOR IN SECTION 63205(6). THE DEPARTMENT SHALL
20 ACCEPT WRITTEN PUBLIC COMMENT ON THE REQUEST FOR 28 DAYS AFTER THE
21 PUBLIC MEETING. WITHIN 14 DAYS AFTER THE EXPIRATION OF THE PUBLIC
22 COMMENT PERIOD, THE DEPARTMENT SHALL GRANT OR DENY THE REQUEST IN
23 WRITING.

24 (D) If the department determines UNDER SUBDIVISION (B) that
25 the request for amendment does not constitute a significant change
26 from the conditions of the approved mining permit, the department
27 shall provide written notice of the determination to the city,

1 village, or township and the county where the proposed mining
2 operation is to be located and to all affected federally recognized
3 Indian tribes in this state. The department shall also give notice
4 of the determination by publication in a newspaper of local
5 distribution in the area where the proposed mining operation is to
6 be located. The department shall approve the amendment within 14
7 days after publication of the notice and shall notify the permittee
8 of the approval.

9 (7) A PERMITTEE MAY RELOCATE, RECONFIGURE, OR MODIFY SURFACE
10 OR UNDERGROUND FACILITIES, BUILDINGS, OR EQUIPMENT, OTHER THAN A
11 TAILINGS BASIN OR A STOCKPILE, WITHOUT OBTAINING AN AMENDMENT TO
12 THE PERMIT UNDER SUBSECTION (6) IF ALL OF THE FOLLOWING APPLY:

13 (A) THE RELOCATION, RECONFIGURATION, OR MODIFICATION TAKES
14 PLACE WITHIN THE PERMITTED MINING AREA AND DOES NOT REQUIRE AN
15 AMENDMENT TO ANY OTHER PERMITS ISSUED BY THE DEPARTMENT.

16 (B) THE PERMITTEE PROVIDES WRITTEN NOTICE TO THE DEPARTMENT AT
17 LEAST 30 DAYS BEFORE UNDERTAKING THE RELOCATION, RECONFIGURATION,
18 OR MODIFICATION.

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.