

Act No. 162
Public Acts of 2018
Approved by the Governor
May 23, 2018
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May 23, 2018
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**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Senator Casperson

ENROLLED SENATE BILL No. 839

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 63207 (MCL 324.63207), as added by 2004 PA 449.

The People of the State of Michigan enact:

Sec. 63207. (1) A mining permit issued by the department remains in effect until terminated or revoked by the department.

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

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

(b) The permittee has completed final reclamation of the mining area and requests the termination of the mining permit and the department determines all of the following:

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

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

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

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

(4) A permittee shall not transfer a mining permit to a new operator unless all of the following occur:

(a) The person acquiring the mining permit submits to the department on forms provided by the department a request for transfer of the mining permit and provides the financial assurance required under section 63211.

(b) The person acquiring the mining permit accepts the conditions of the existing mining permit and adheres to the requirements set forth in this part.

(c) If the department determines that the permittee is in violation of this part or rules promulgated under this part at the mining site involved in the transfer, the permittee has completed the necessary corrective actions or the person acquiring the mining permit has entered into a written consent agreement to correct all of the violations.

(d) The department, after providing public notice of the proposed transfer, approves the transfer.

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

(6) A mining permit shall be amended as follows:

(a) A mining permit amendment shall be initiated as provided in either of the following:

(i) The permittee submits to the department a request to amend the mining permit to address anticipated changes in the mining operation, including, if applicable, amendments to the environmental impact assessment and to the mining, reclamation, and environmental protection plan.

(ii) The department requires a mining permit to be amended after determining that the terms and conditions of the mining permit are not providing the intended reasonable protection of the environment, natural resources, or public health and safety.

(b) Within 30 days after receiving a request to amend a mining permit under subdivision (a)(i), or upon a determination by the department under subdivision (a)(ii) that an amendment is necessary, the department shall determine whether the proposed amendment constitutes a significant change from the conditions of the approved mining permit. In making that determination, the department shall consider whether the change will result in environmental impacts that are materially increased or different from those addressed in the approved mining permit conditions, the mining permit application, or any additional information forming the basis of the approved mining permit conditions.

(c) If the department determines under subdivision (b) that the request constitutes a significant change from the conditions of the approved mining permit, the department shall in its sole discretion do 1 of the following:

(i) Submit the request for amendment to the same review process as provided for a new permit application in section 63205(4) to (9).

(ii) Within 42 days after the determination that the amendment request constitutes a significant change from the conditions of the approved mining permit, hold a public meeting on the request. The department shall give notice of the public meeting in the same manner provided for in section 63205(6). The department shall accept written public comment on the request for 28 days after the public meeting. Within 14 days after the expiration of the public comment period, the department shall grant or deny the request in writing.

(d) If the department determines under subdivision (b) that the request for amendment does not constitute a significant change from the conditions of the approved mining permit, the department shall provide written notice of the determination to the city, village, or township and the county where the proposed mining operation is to be located and to all affected federally recognized Indian tribes in this state. The department shall also give notice of the determination by publication in a newspaper of local distribution in the area where the proposed mining operation is to be located. The department shall approve the amendment within 14 days after publication of the notice and shall notify the permittee of the approval.

(7) A permittee may submit to the department a written request to relocate, reconfigure, or modify shafts, tunnels, or other subsurface openings or surface facilities, buildings, or equipment, other than a tailings basin or a stockpile, without obtaining an amendment to the permit under subsection (6). Within 30 days after receiving the request, the department shall grant or deny the request and notify the permittee in writing of the department's determination. Subject to subsection (6)(a)(ii), the department shall grant the request if all of the following apply:

(a) Any proposed relocation, reconfiguration, or modification of shafts, tunnels, or other subsurface openings will not result in subsidence or other adverse environmental impacts. The permittee's request shall include information demonstrating that the requirements of this subdivision, if applicable, are met.

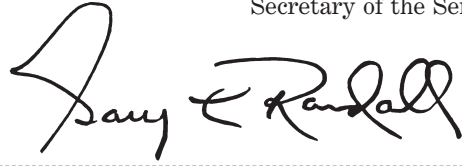
(b) Any proposed relocation, reconfiguration, or modification of surface facilities, buildings, or equipment, other than a tailings basin or a stockpile, will take place within the permitted mining area.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor