

HOUSE BILL NO. 5007

September 14, 2023, Introduced by Rep. McKinney 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, 3110, 3118, 3120, 3122, 3132, 3306,
4104, 4112, 5522, 9123, 11108, 11109, 11123, 11153, 11509, 11512,
11525a, 11717b, 12109, 12112, 16904, 17303, 17317, 21506a, 21508,
30104, 30109, 31509, 32312, 32513, 32707, 32723, 33911, 33929,
61525, 61525a, 62509, 62509a, 63103d, 63205, 63215, 63405, 63413,
63711, 80130, 80315, 81114, and 82156 (MCL 324.3104, 324.3110,
324.3118, 324.3120, 324.3122, 324.3132, 324.3306, 324.4104,
324.4112, 324.5522, 324.9123, 324.11108, 324.11109, 324.11123,

324.11153, 324.11509, 324.11512, 324.11525a, 324.11717b, 324.12109, 324.12112, 324.16904, 324.17303, 324.17317, 324.21506a, 324.21508, 324.30104, 324.30109, 324.31509, 324.32312, 324.32513, 324.32707, 324.32723, 324.33911, 324.33929, 324.61525, 324.61525a, 324.62509, 324.62509a, 324.63103d, 324.63205, 324.63215, 324.63405, 324.63413, 324.63711, 324.80130, 324.80315, 324.81114, and 324.82156), sections 3104, 3110, 3118, 3120, 4104, 11153, 30104, 30109, 32312, and 32513 as amended by 2021 PA 91, sections 3122 and 4112 as amended by 2019 PA 79, section 3132 as added by 1997 PA 29, section 3306 as amended by 2014 PA 253, section 5522 as amended by 2019 PA 119, section 9123 as amended by 2000 PA 504, section 11108 as amended by 2013 PA 73, section 11109 as added by 2018 PA 689, section 11123 as amended by 2014 PA 254, sections 11509 and 11512 as amended by 2022 PA 245, section 11525a as amended by 2022 PA 246, section 11717b as amended by 2008 PA 492, sections 12109 and 12112 as amended by 2017 PA 90, section 16904 as amended by 2014 PA 543, sections 17303 and 17317 as amended by 2019 PA 85, section 21506a as amended by 2017 PA 134, section 21508 as amended by 2016 PA 467, sections 31509, 61525, and 62509 as amended by 2004 PA 325, section 32707 as amended by 2008 PA 182, section 32723 as amended by 2008 PA 180, sections 33911 and 33929 as amended by 2006 PA 496, section 61525a as added by 1998 PA 252, section 62509a as added by 1998 PA 467, section 63103d as amended by 2011 PA 214, sections 63205 and 63215 as added by 2004 PA 449, sections 63405 and 63413 as added by 2017 PA 40, section 63711 as added by 1995 PA 57, and sections 80130, 80315, 81114, and 82156 as amended by 2019 PA 81.

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

1 units, and governmental agencies in matters concerning the water
2 resources of this state, including, but not limited to, flood
3 control, beach erosion control, water quality control planning,
4 development, and management, and the control of aquatic nuisance
5 species. The department shall have control over the alterations of
6 natural or present watercourses of all rivers and streams in this
7 state to ensure that the channels and the portions of the
8 floodplains that are the floodways are not inhabited and are kept
9 free and clear of interference or obstruction that will cause any
10 undue restriction of the capacity of the floodway. The department
11 may take steps as may be necessary to take advantage of any act of
12 congress that may be of assistance in carrying out the purposes of
13 this part, including the water resources planning act, 42 USC 1962
14 to 1962d-3, and the federal water pollution control act, 33 USC
15 1251 to ~~1388~~-1389.

16 (2) To address discharges of aquatic nuisance species from
17 oceangoing vessels that damage water quality, aquatic habitat, or
18 fish or wildlife, the department shall facilitate the formation of
19 a Great Lakes aquatic nuisance species coalition. The Great Lakes
20 aquatic nuisance species coalition must be formed through an
21 agreement entered into with other states in the Great Lakes basin
22 to implement on a basin-wide basis water pollution laws that
23 prohibit the discharge of aquatic nuisance species into the Great
24 Lakes from oceangoing vessels. ~~Upon~~**After** entering into the
25 agreement, the department shall notify the Canadian Great Lakes
26 provinces of the terms of the agreement. The department shall seek
27 funding from the Great Lakes protection fund authorized under part
28 331 to implement the Great Lakes aquatic nuisance species
29 coalition.

1 (3) The department shall report to the governor and the
2 legislature at least annually on any plans or projects being
3 implemented or considered for implementation. The report must
4 include requests for legislation needed to implement any proposed
5 projects or agreements made necessary as a result of a plan or
6 project, together with any requests for appropriations. The
7 department may make recommendations to the governor on the
8 designation of areawide water quality planning regions and
9 organizations relative to the governor's responsibilities under the
10 federal water pollution control act, 33 USC 1251 to ~~1388-1389~~.
11

12 (4) A person shall not alter a floodplain except as authorized
13 by a floodplain permit issued by the department under part 13. An
14 application for a floodplain permit must include information
15 required by the department to assess the proposed alteration's
16 impact on the floodplain. If an alteration includes activities at
17 multiple locations in a floodplain, 1 application may be filed for
18 combined activities.

19 (5) Except as otherwise provided in this section, ~~until~~
20 ~~October 1, 2025,~~ an application for a floodplain permit must be
21 accompanied by a fee of \$500.00. ~~Until October 1, 2025, if~~ **If** the
22 department determines that engineering computations are required to
23 assess the impact of a proposed floodplain alteration on flood
24 stage or discharge characteristics, the department shall assess the
25 applicant an additional \$1,500.00 to cover the department's cost of
26 review.

27 (6) After providing notice and an opportunity for a public
28 hearing, the department shall establish minor project categories of
29 activities within floodplains and floodplain projects that are
similar in nature, have minimal potential for causing harmful

1 interference when performed separately, and will have only minimal
2 cumulative adverse effects on the environment. All other provisions
3 of this part, except provisions applicable only to floodplain
4 general permits, are applicable to a minor project. A minor project
5 category must not be valid for more than 5 years, but may be re-
6 established. ~~Until October 1, 2025, an~~ **An** application for a
7 floodplain permit for a minor project category must be accompanied
8 by a fee of \$100.00.

9 (7) The department, after notice and an opportunity for a
10 public hearing, shall issue general permits on a statewide basis or
11 within a local unit of government for floodplain projects that are
12 similar in nature, have minimal potential for causing harmful
13 interference when performed separately, and will have only minimal
14 cumulative adverse effects on the environment. A general permit
15 category must not be valid for more than 5 years, but may be re-
16 established. ~~Until October 1, 2025, an~~ **An** application for a
17 floodplain permit for a general permit category must be accompanied
18 by a fee of \$50.00.

19 (8) By December 31, 2019, the department shall propose new
20 minor project and general project categories as authorized under
21 subsections (6) and (7).

22 (9) The department may issue, deny, or impose conditions on
23 project activities authorized under a floodplain permit for a minor
24 project category or a general permit category if the conditions are
25 designed to remove an impairment to a river and its floodplain, or
26 to mitigate the effects of the project. The department may also
27 establish a reasonable time when the proposed project is to be
28 completed or terminated.

29 (10) If the department determines that activity in a proposed

1 project, although within a floodplain minor project category or a
2 floodplain general permit category, is likely to cause more than
3 minimal adverse environmental effects, the department may require
4 that the application be processed according to subsection (5).

5 (11) If work has been done in violation of a permit
6 requirement under this part and restoration is not ordered by the
7 department, the department may accept an application for a permit
8 for that work if the application is accompanied by a fee equal to 2
9 times the permit fee otherwise required under this section.

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

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

16 (a) Part 301.

17 (b) Part 303.

18 (c) Part 323.

19 (d) Part 325.

20 (e) Section 117 of the land division act, 1967 PA 288, MCL
21 560.117.

22 (14) **Beginning October 1, 2023, and by October 1 each year**
23 **thereafter, the department may increase the fees described in**
24 **subsections (5), (6), and (7) by an amount determined by**
25 **multiplying the fee in effect during the immediately preceding**
26 **fiscal year by the inflation adjustment factor, and rounding to the**
27 **nearest whole dollar. The inflation adjustment factor used under**
28 **this subsection is equal to the 3-year average July-June Consumer**
29 **Price Index for the current fiscal year divided by the 3-year**

1 average July-June Consumer Price Index for the immediately
2 preceding fiscal year, as determined by the department of treasury
3 using the Detroit Consumer Price Index. An inflation adjustment
4 factor used under this subsection must not be less than \$1.00. As
5 used in this subsection, "Detroit Consumer Price Index" means the
6 most comprehensive index of consumer prices available for the
7 Detroit area from the Bureau of Labor Statistics of the United
8 States Department of Labor.

9 Sec. 3110. (1) Each industrial or commercial entity, other
10 than a concentrated animal feed operation, that discharges liquid
11 wastes into any surface water or groundwater or underground or on
12 the ground other than through a public sanitary sewer shall have
13 waste treatment or control facilities under the specific
14 supervision and control of individuals who are certified by the
15 department as properly qualified to operate the facilities. The
16 department shall examine all supervisory personnel having
17 supervision and control of the facilities, other than a
18 concentrated animal feed operation, and certify that the
19 individuals are properly qualified to operate or supervise the
20 facilities.

21 (2) The department may conduct a program for training
22 individuals seeking to be certified as operators or supervisors
23 under subsection (1), section 4104, or section 9 of the safe
24 drinking water act, 1976 PA 399, MCL 325.1009. ~~Until October 1,~~
25 ~~2025, the~~ **The** department may charge a fee based on the costs to the
26 department of operating this training program. The fees must be
27 deposited into the operator training and certification fund created
28 in section 3134.

29 (3) The department shall administer certification operator

1 programs for individuals seeking to be certified as operators or
2 supervisors under subsection (1), section 4104, or section 9 of the
3 safe drinking water act, 1976 PA 399, MCL 325.1009. An individual
4 that wishes to become certified as an operator or a supervisor
5 shall submit an application to the department that contains the
6 information required by the department. Information submitted as
7 part of the application must be considered part of the examination
8 for certification. ~~Until October 1, 2025, the~~ **The** department may
9 charge a certification examination fee and a certification renewal
10 fee in accordance with the following fee schedule:

11 (a) For certification examinations under subsection (1), the
12 following fees apply:

13 (i) Industrial wastewater certification level 1 or 2
14 examination as described under subrule (2) of R 323.1253 of the
15 Michigan Administrative Code, \$35.00.

16 (ii) Industrial wastewater certification level 3 examination as
17 described under subrule (2) of R 323.1253 of the Michigan
18 Administrative Code, \$40.00.

19 (iii) Industrial wastewater special classification A-1a
20 examination or noncontact cooling water A-1h examination as
21 described under subrule (2) of R 323.1253 of the Michigan
22 Administrative Code, \$30.00.

23 (iv) Stormwater industrial certification A-1i examination as
24 described under subrule (2) of R 323.1253 of the Michigan
25 Administrative Code, \$30.00.

26 (b) For certification examinations under section 4104, the
27 following fees apply:

28 (i) Municipal wastewater certification level A, B, C, or D
29 examination as described under subrule (1) of R 299.2911 of the

1 Michigan Administrative Code, \$70.00.

2 (ii) Municipal wastewater certification level L2 examination as
3 described under subrule (3) (a) of R 299.2911 of the Michigan
4 Administrative Code, \$45.00.

5 (iii) Municipal wastewater certification level L1 examination as
6 described under subrule (3) (b) of R 299.2911 of the Michigan
7 Administrative Code, \$45.00.

8 (iv) Municipal wastewater certification level SC examination as
9 described under subrule (4) of R 299.2911 of the Michigan
10 Administrative Code, \$45.00.

11 (c) For certification examinations under section 9 of the safe
12 drinking water act, 1976 PA 399, MCL 325.1009, for operators of the
13 following systems, the following fees apply:

14 (i) Drinking water complete treatment system classes F-1, F-2,
15 F-3, or F-4 as described under subrule (1) of R 325.11901 of the
16 Michigan Administrative Code, \$70.00.

17 (ii) Drinking water limited treatment system classes D-1, D-2,
18 D-3, or D-4 as described under subrule (2) of R 325.11901 of the
19 Michigan Administrative Code, \$70.00.

20 (iii) Drinking water distribution system classes S-1, S-2, S-3,
21 or S-4 as described under R 325.11902 of the Michigan
22 Administrative Code, \$70.00.

23 (iv) Drinking water complete treatment system class F-5 as
24 described under subrule (1) of R 325.11901 of the Michigan
25 Administrative Code, \$45.00.

26 (v) Drinking water limited treatment system class D-5 as
27 described under subrule (2) of R 325.11901 of the Michigan
28 Administrative Code, \$45.00.

29 (vi) Drinking water distribution system class S-5 as described

1 under R 325.11902 of the Michigan Administrative Code, \$45.00.

2 (d) For certification renewals under subsection (1), the
3 following fees apply:

4 (i) Stormwater industrial certification A-1i as described under
5 subrule (2) of R 323.1253 of the Michigan Administrative Code,
6 \$95.00.

7 (ii) Stormwater construction certification A-1j as described
8 under subrule (2) of R 323.1253 of the Michigan Administrative
9 Code, \$95.00.

10 (iii) All other industrial wastewater certification levels 1, 2,
11 or 3 as described under subrule (2) of R 323.1253 of the Michigan
12 Administrative Code and issued on a single certificate, \$95.00.

13 (e) For certification renewals under section 4104 for all
14 municipal wastewater certification levels as described under R
15 299.2911 of the Michigan Administrative Code and issued on a single
16 certificate, \$95.00.

17 (f) For certification renewals under section 9 of the safe
18 drinking water act, 1976 PA 399, MCL 325.1009, for all drinking
19 water certification levels as described under R 325.11901 or R
20 325.11902 of the Michigan Administrative Code and issued on a
21 single certificate, \$95.00.

22 (4) The failure to pay a required certification examination
23 fee within 90 days after taking an examination is considered
24 failure of the examination. The department shall not allow an
25 individual to take a future examination within the failed
26 examination program unless ~~he or she~~ **the individual** pays the prior
27 fee in full.

28 (5) The department shall conduct a program for persons or
29 organizations seeking to offer approved continuing education

1 courses to be used by certified operators and supervisors when
2 renewing their certifications under subsection (1), section 4104,
3 and section 9 of the safe drinking water act, 1976 PA 399, MCL
4 325.1009. The department may charge continuing education providers
5 a course application fee and course renewal fee as provided in the
6 following fee schedule:

7 (a) An application for approval of a training course, \$75.00
8 for each course.

9 (b) An application for renewal of an approved training course,
10 \$50.00 for each course.

11 (6) All fees collected under this section must be deposited in
12 the operator training and certification fund created in section
13 3134.

14 (7) An individual certified as required by subsection (1)
15 shall file monthly, or at longer intervals as the department may
16 designate, on forms provided by the department, reports showing the
17 effectiveness of the treatment or control facility operation and
18 the quantity and quality of discharged liquid wastes. If an
19 individual knowingly makes a false statement in a report, the
20 department may revoke ~~his or her~~ **the individual's** certificate as an
21 approved treatment facility operator.

22 (8) This section does not apply to water, gas, or other
23 material that is injected into a well to facilitate production of
24 oil or gas or to water derived in association with oil or gas
25 production and disposed of in a well, if the well is used either to
26 facilitate production or for disposal purposes and is under permit
27 by the state supervisor of wells.

28 **(9) Beginning October 1, 2023, and by October 1 each year**
29 **thereafter, the department may increase the fees described in**

1 subsections (2), (3), and (5) by an amount determined by
2 multiplying the fee in effect during the immediately preceding
3 fiscal year by the inflation adjustment factor, and rounding to the
4 nearest whole dollar. The inflation adjustment factor used under
5 this subsection is equal to the 3-year average July-June Consumer
6 Price Index for the current fiscal year divided by the 3-year
7 average July-June Consumer Price Index for the immediately
8 preceding fiscal year, as determined by the department of treasury
9 using the Detroit Consumer Price Index. An inflation adjustment
10 factor used under this subsection must not be less than \$1.00. As
11 used in this subsection, "Detroit Consumer Price Index" means the
12 most comprehensive index of consumer prices available for the
13 Detroit area from the Bureau of Labor Statistics of the United
14 States Department of Labor.

15 Sec. 3118. (1) Except as otherwise provided in this section,
16 ~~until October 1, 2025,~~ the department shall collect the following
17 stormwater discharge fees from persons that apply for or have been
18 issued stormwater discharge permits:

19 (a) A 1-time fee of \$400.00 for a permit related solely to a
20 site of construction activity for each permitted site. The fee must
21 be submitted with the application for an individual permit or for a
22 certificate of coverage under a general permit. For a permit by
23 rule, the fee must be submitted by the construction site permittee
24 with the notice of coverage. A person needing more than 1 permit
25 may submit a single payment for more than 1 permit and receive
26 appropriate credit. Payment of the fee under this subdivision or
27 verification of prepayment is a necessary part of a valid permit
28 application or notice of coverage under a permit by rule.

29 (b) An annual fee of \$260.00 for a permit related solely to a

1 stormwater discharge associated with industrial activity or from a
2 commercial site for which the department determines a permit is
3 needed.

4 (c) Except as provided in subdivision (d), (e), or (f), an
5 annual fee of \$500.00 for a permit for a municipal separate storm
6 sewer system.

7 (d) For a permit for a municipal separate storm sewer system
8 issued to a city, village, or township, an annual fee determined by
9 its population in an urbanized area as defined by the United States
10 ~~Bureau of the Census~~ **Bureau** and, except as provided in subsection
11 (11), based on the latest available decennial census, as follows:

12 (i) For a population of 1,000 people or fewer, \$500.00.

13 (ii) For a population of more than 1,000 people, but fewer than
14 3,001 people, \$1,000.00.

15 (iii) For a population of more than 3,000 people, but fewer than
16 10,001 people, \$2,000.00.

17 (iv) For a population of more than 10,000 people, but fewer
18 than 30,001 people, \$3,000.00.

19 (v) For a population of more than 30,000 people, but fewer
20 than 50,001 people, \$4,000.00.

21 (vi) For a population of more than 50,000 people, but fewer
22 than 75,001 people, \$5,000.00.

23 (vii) For a population of more than 75,000 people, but fewer
24 than 100,001 people, \$6,000.00.

25 (viii) For a population of more than 100,000 people, \$7,000.00.

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

28 (f) For a single municipal separate storm sewer systems permit
29 authorizing a state or federal agency to operate municipal separate

1 storm sewer systems in multiple locations statewide, an annual fee
2 determined ~~pursuant to~~ **in accordance with** a memorandum of
3 understanding between that state or federal agency and the
4 department and based on the projected costs of the department to
5 administer the permit.

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

23 (5) If a stormwater 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
28 shall pay an additional amount equal to 0.75% of the payment due
29 for each month or portion of a month the payment remains past due.

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

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

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

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

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

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

26 **(13) Beginning October 1, 2023, and by October 1 each year**
27 **thereafter, the department may increase the stormwater discharge**
28 **fees described in subsection (1) by an amount determined by**
29 **multiplying the stormwater discharge fee in effect during the**

1 immediately preceding fiscal year by the inflation adjustment
 2 factor, and rounding to the nearest whole dollar. The inflation
 3 adjustment factor used under this subsection is equal to the 3-year
 4 average July-June Consumer Price Index for the current fiscal year
 5 divided by the 3-year average July-June Consumer Price Index for
 6 the immediately preceding fiscal year, as determined by the
 7 department of treasury using the Detroit Consumer Price Index. An
 8 inflation adjustment factor used under this subsection must not be
 9 less than \$1.00. As used in this subsection, "Detroit Consumer
 10 Price Index" means the most comprehensive index of consumer prices
 11 available for the Detroit area from the Bureau of Labor Statistics
 12 of the United States Department of Labor.

13 (14) ~~(13)~~ As used in this section and section 3119:

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

16 (b) "Clean water act" means the federal water pollution
 17 control act, 33 USC 1251 to ~~1388~~ **1389**.

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

27 (d) "Fee" means a stormwater discharge fee authorized under
 28 this section.

29 (e) "Fund" means the ~~stormwater~~ **storm water** fund created in

1 section 3119.

2 (f) "General permit" means a permit issued authorizing a
3 category of similar discharges.

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

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

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

28 (j) "Permit", unless the context implies otherwise, or
29 "stormwater discharge permit" means a permit authorizing the

1 discharge of wastewater or any other substance to surface waters of
 2 the state under the national pollutant discharge elimination
 3 system, ~~pursuant to~~**under** the clean water act or this part and the
 4 regulations or rules promulgated under that act or this part.

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

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

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

15 (ii) The system is not part of a publicly owned treatment
 16 works.

17 (m) "Stormwater" means stormwater runoff, snowmelt runoff, and
 18 surface runoff and drainage.

19 (n) "Stormwater discharge associated with industrial activity"
 20 means a point source discharge of stormwater from a facility that
 21 is considered to be engaging in industrial activity under 40 CFR
 22 122.26(b)(14)(i) to (ix) and (xi).

23 Sec. 3120. (1) ~~Until October 1, 2025, an~~**An** application for a
 24 new permit, a reissuance of a permit, or a modification of an
 25 existing permit under this part authorizing a discharge into
 26 surface water, other than a storm water discharge, must be
 27 accompanied by an application fee as follows:

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

29 (b) For an EPA minor facility individual permit, a CSO permit,

1 or a wastewater stabilization lagoon individual permit, \$400.00.

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

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

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

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

14 (a) The department shall return to the applicant the
15 application fee submitted under subsection (1).

16 (b) The applicant is not subject to an application fee.

17 (c) The applicant shall receive a 15% annual discount on an
18 annual permit fee required for a permit issued based on that
19 application.

20 (5) ~~Until October 1, 2025, a~~ **A** person ~~who~~ **that** receives a
21 permit under this part authorizing a discharge into surface water,
22 other than a stormwater discharge, is subject to an annual permit
23 fee as follows:

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

26 (b) For an industrial or commercial facility that is an EPA
27 minor facility, the following amount:

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

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

- 1 (iii) For an individual permit for a low-flow facility,
2 \$1,650.00.
- 3 (iv) For an individual permit for a high-flow facility,
4 \$3,650.00.
- 5 (c) For a municipal facility that is an EPA major facility,
6 the following amount:
- 7 (i) For an individual permit for a facility discharging 500 MGD
8 or more, \$213,000.00.
- 9 (ii) For an individual permit for a facility discharging 50 MGD
10 or more but less than 500 MGD, \$20,000.00.
- 11 (iii) For an individual permit for a facility discharging 10 MGD
12 or more but less than 50 MGD, \$13,000.00.
- 13 (iv) For an individual permit for a facility discharging less
14 than 10 MGD, \$5,500.00.
- 15 (d) For a municipal facility that is an EPA minor facility,
16 the following amount:
- 17 (i) For an individual permit for a facility discharging 10 MGD
18 or more, \$3,775.00.
- 19 (ii) For an individual permit for a facility discharging 1 MGD
20 or more but less than 10 MGD, \$3,000.00.
- 21 (iii) For an individual permit for a facility discharging less
22 than 1 MGD, \$1,950.00.
- 23 (iv) For a general permit for a high-flow facility, \$600.00.
- 24 (v) For a general permit for a low-flow facility, \$400.00.
- 25 (e) For a municipal facility that is a CSO facility,
26 \$6,000.00.
- 27 (f) For an individual permit for a wastewater stabilization
28 lagoon, \$1,525.00.
- 29 (g) For an individual or general permit for an agricultural

1 purpose, \$600.00, unless either of the following applies:

2 (i) The facility is an EPA minor facility and would qualify for
3 a general permit for a low-flow facility, in which case the fee is
4 \$150.00.

5 (ii) The facility is an EPA major facility that is not a
6 farmers' cooperative corporation, in which case the fee is
7 \$8,700.00.

8 (h) For a facility that holds a permit issued under this part
9 but has no discharge and is connected to and ~~is~~ authorized to
10 discharge only to a municipal wastewater treatment system, an
11 annual permit maintenance fee of \$100.00. However, if a facility
12 does have a discharge or at some time is no longer connected to a
13 municipal wastewater treatment system, the annual permit fee must
14 be the appropriate fee as otherwise provided in this subsection.

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

20 (7) The department shall send invoices for annual permit fees
21 under subsection (5) to all permit holders by December 1 of each
22 year. A fee must be based on the status of the facility as of
23 October 1 of that year. A person subject to an annual permit fee
24 shall pay the fee not later than January 15 of each year. Failure
25 by the department to send a person an invoice by December 1, or
26 failure of a person to receive an invoice, does not relieve that
27 person of the obligation to pay the annual permit fee. If the
28 department does not send invoices by December 1, the annual permit
29 fee is due not later than 45 days after the permittee receives an

1 invoice. The department shall forward annual permit fees received
2 under this section to the state treasurer for deposit into the
3 national pollutant discharge elimination system fund created in
4 section 3121.

5 (8) The department shall assess a penalty on all annual permit
6 fee payments submitted under this section after the due date. The
7 penalty is 0.75% of the payment due for each month or portion of a
8 month the payment remains past due.

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

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

27 **(11) Beginning October 1, 2023, and by October 1 each year**
28 **thereafter, the department may increase the application fees under**
29 **subsection (1) and the annual permit fees under subsection (5) by**

1 an amount determined by multiplying the fee in effect during the
 2 immediately preceding fiscal year by the inflation adjustment
 3 factor, and rounding to the nearest whole dollar. The inflation
 4 adjustment factor used under this subsection is equal to the 3-year
 5 average July-June Consumer Price Index for the current fiscal year
 6 divided by the 3-year average July-June Consumer Price Index for
 7 the immediately preceding fiscal year, as determined by the
 8 department of treasury using the Detroit Consumer Price Index. An
 9 inflation adjustment factor used under this subsection must not be
 10 less than \$1.00. As used in this subsection, "Detroit Consumer
 11 Price Index" means the most comprehensive index of consumer prices
 12 available for the Detroit area from the Bureau of Labor Statistics
 13 of the United States Department of Labor.

14 (12) ~~(11)~~ As used in this section:

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

28 (b) "Combined sewer overflow" means a discharge from a
 29 combined sewer system that occurs when the flow capacity of the

1 combined sewer system is exceeded at a point before the headworks
2 of a publicly owned treatment works during wet weather conditions.

3 (c) "Combined sewer system" means a sewer designed and used to
4 convey both storm water runoff and sanitary sewage, and that
5 contains lawfully installed regulators and control devices that
6 allow for delivery of sanitary flow to treatment during dry weather
7 periods and divert stormwater and sanitary sewage to surface waters
8 during storm flow periods.

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

11 (e) "EPA major facility" means a major facility as **that term**
12 **is** defined in 40 CFR 122.2.

13 (f) "EPA minor facility" means a facility that is not an EPA
14 major facility.

15 (g) "Farmers' cooperative corporation" means a farmers'
16 cooperative corporation organized within the limitations of section
17 98 of 1931 PA 327, MCL 450.98.

18 (h) "General permit" means a permit suitable for use at
19 facilities meeting eligibility criteria as specified in the permit.
20 With a general permit, the discharge from a specific facility is
21 acknowledged through a certificate of coverage issued to the
22 facility.

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

25 (j) "Individual permit" means a permit developed for a
26 particular facility, taking into account that facility's specific
27 characteristics.

28 (k) "Industrial or commercial facility" means a facility that
29 is not a municipal facility.

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

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

4 (n) "Municipal facility" means a facility that is designed to
5 collect or treat sanitary wastewater, is either publicly or
6 privately owned, and serves a residential area or a group of
7 municipalities.

8 (o) "Wastewater stabilization lagoon" means a treatment system
9 constructed of ponds or basins designed to receive, hold, and treat
10 sanitary wastewater for a predetermined amount of time through a
11 combination of physical, biological, and chemical processes.

12 Sec. 3122. (1) ~~Until October 1, 2023, the~~ **The** department may
13 levy and collect an annual groundwater discharge permit fee from
14 facilities or municipalities that discharge wastewater to the
15 ground or groundwater of this state ~~pursuant to~~ **under** section 3112.
16 The fee is as follows:

17 (a) For a group 1 facility, ~~\$3,650.00.~~ **\$7,500.00.**

18 (b) For a group 2 facility or a municipality of 1,000 or fewer
19 residents, ~~\$1,500.00.~~ **\$1,800.00.**

20 (c) For a group 2a facility, ~~\$250.00.~~ **\$300.00.**

21 (d) For a group 3 facility, ~~\$200.00.~~ **\$240.00.**

22 (2) Within 180 days after receipt of a complete application
23 for a permit to discharge wastewater to the ground or to
24 groundwater, the department shall grant or deny a permit, unless
25 the applicant and the department agree to extend this time period.
26 If the department fails to make a decision on an application within
27 the time period specified or agreed to under this subsection, an
28 applicant subject to an annual groundwater discharge permit fee
29 shall receive a 15% annual discount on the annual groundwater

1 discharge permit fee.

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

6 (4) **Beginning October 1, 2023, and by October 1 each year**
7 **thereafter, the department may increase the annual groundwater**
8 **discharge permit fee described in subsection (1) by an amount**
9 **determined by multiplying the annual groundwater discharge permit**
10 **fee in effect during the immediately preceding fiscal year by the**
11 **inflation adjustment factor, and rounding to the nearest whole**
12 **dollar. The inflation adjustment factor used under this subsection**
13 **is equal to the 3-year average July-June Consumer Price Index for**
14 **the current fiscal year divided by the 3-year average July-June**
15 **Consumer Price Index for the immediately preceding fiscal year, as**
16 **determined by the department of treasury using the Detroit Consumer**
17 **Price Index. An inflation adjustment factor used under this**
18 **subsection must not be less than \$1.00. As used in this subsection,**
19 **"Detroit Consumer Price Index" means the most comprehensive index**
20 **of consumer prices available for the Detroit area from the Bureau**
21 **of Labor Statistics of the United States Department of Labor.**

22 (5) ~~(4)~~As used in this section, "group 1 facility", "group 2
23 facility", "group 2a facility", and "group 3 facility" do not
24 include a municipality with a population of 1,000 or fewer
25 residents.

26 Sec. 3132. (1) ~~Beginning in state fiscal year 1998, an~~ **An**
27 annual sewage sludge land application fee is imposed ~~upon~~ **on** sewage
28 sludge generators and sewage sludge distributors. The sewage sludge
29 land application fee ~~shall be in~~ **is** an amount equal to the sum of

1 an administrative fee and a generation fee. The administrative fee
2 ~~shall be~~ **is** \$400.00 and the department shall set the generation fee
3 as provided by subsection (2). The department shall set the
4 generation fee so that the annual cumulative total of the sewage
5 sludge land application fee to be paid in a state fiscal year is,
6 as nearly as possible, \$650,000.00 minus the amount in the fund
7 created under subsection (5) carried forward from the prior state
8 fiscal year. ~~Starting with fees to be paid in state fiscal year~~
9 ~~1999, the \$650,000.00 amount shall be annually adjusted for~~
10 ~~inflation using the Detroit consumer price index.~~

11 (2) Each sewage sludge generator and sewage sludge distributor
12 shall annually report to the department for each state fiscal year,
13 ~~beginning with the 1997 state fiscal year,~~ the number of dry tons
14 of sewage sludge it generated or the number of dry tons of sewage
15 sludge in sewage sludge derivatives it distributed that were
16 applied to land in that state fiscal year. The report is due 30
17 days after the end of the state fiscal year. By December 15 of each
18 state fiscal year, the department shall determine the generation
19 fee on a per dry ton basis by dividing the cumulative generation
20 fee by the number of dry tons of sewage sludge applied to land or
21 in sewage sludge derivatives applied to land in the immediately
22 preceding state fiscal year. The department shall notify each
23 sewage sludge generator and sewage sludge distributor of the
24 generation fee on a per dry ton basis. ~~Notwithstanding any other~~
25 ~~provision of this section, for the 1998 state fiscal year, the~~
26 ~~generation fee shall not exceed \$4.00 per dry ton.~~

27 (3) By January 31 of each state fiscal year, each sewage
28 sludge generator or sewage sludge distributor shall pay its sewage
29 sludge land application fee. The sewage sludge generator or sewage

1 sludge distributor shall determine the amount of its sewage sludge
 2 land application fee by multiplying the number of dry tons of
 3 sewage sludge that it reported under subsection (2) by the
 4 generation fee and adding the administrative fee.

5 (4) The department of ~~environmental quality~~**environment, Great**
 6 **Lakes, and energy** shall assess interest on all fee payments
 7 submitted under this section after the due date. The permittee
 8 shall pay an additional amount equal to 0.75% of the payment due
 9 for each month or portion of a month the payment remains past due.
 10 The failure by a person to timely pay a fee imposed by this section
 11 is a violation of this part.

12 (5) The sewage sludge land application fund is created in the
 13 state treasury. The department of ~~environmental quality~~
 14 **environment, Great Lakes, and energy** shall forward all fees
 15 collected under this section to the state treasurer for deposit
 16 into the fund. The state treasurer may receive money or other
 17 assets from any source for deposit into the fund. The state
 18 treasurer shall direct the investment of the fund ~~The state~~
 19 ~~treasurer shall~~**and** credit to the fund interest and earnings from
 20 fund investments. An unexpended balance within the fund at the
 21 close of the state fiscal year ~~shall be carried~~**carries** forward to
 22 the following state fiscal year. The fund ~~shall be~~**is** allocated
 23 solely for the administration of this section and sections 3131 and
 24 3133, including, but not limited to, education of the farmers,
 25 sewage sludge generators, sewage sludge distributors, and the
 26 general public about land application of sewage sludge and sewage
 27 sludge derivatives and the requirements of this section and
 28 sections 3131 and 3133. The director of the department of
 29 ~~environmental quality~~**environment, Great Lakes, and energy** may

1 contract with a nonprofit educational organization to administer
2 the educational components of this section. Ten percent of the fund
3 ~~shall be~~ **is** allocated to the department of agriculture **and rural**
4 **development** to provide persons involved in or affected by land
5 application of sewage sludge or sewage sludge derivatives with
6 education and technical assistance relating to land application of
7 sewage sludge or sewage sludge derivatives.

8 (6) A local unit may enact, maintain, and enforce an ordinance
9 that prohibits the land application of sewage sludge or a sewage
10 sludge derivative if monitoring indicates a pollutant concentration
11 in excess of that provided in table 1 of 40 ~~C.F.R.~~ **CFR** 503.13 until
12 subsequent monitoring indicates that pollutant concentrations do
13 not exceed those provided in table 1 of 40 ~~C.F.R.~~ **CFR** 503.13.

14 (7) **Beginning October 1, 2023, and by October 1 each year**
15 **thereafter, the department may increase the annual sewage sludge**
16 **land application fee described in subsection (1) by an amount**
17 **determined by multiplying the annual sewage sludge land application**
18 **fee in effect during the immediately preceding fiscal year by the**
19 **inflation adjustment factor, and rounding to the nearest whole**
20 **dollar. The inflation adjustment factor used under this subsection**
21 **is equal to the 3-year average July-June Consumer Price Index for**
22 **the current fiscal year divided by the 3-year average July-June**
23 **Consumer Price Index for the immediately preceding fiscal year, as**
24 **determined by the department of treasury using the Detroit Consumer**
25 **Price Index. An inflation adjustment factor used under this**
26 **subsection must not be less than \$1.00. As used in this subsection,**
27 **"Detroit Consumer Price Index" means the most comprehensive index**
28 **of consumer prices available for the Detroit area from the Bureau**
29 **of Labor Statistics of the United States Department of Labor.**

1 Sec. 3306. (1) ~~Until October 1, 2014, an application for a~~
 2 ~~certificate of coverage under this part shall be accompanied by a~~
 3 ~~fee of \$75.00. Subject to subsection (2), an~~ **An** application for an
 4 individual permit under this part shall ~~must~~ be accompanied by the
 5 following fee, based on the size of the area of impact:

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

7 (b) 1/2 acre or more but less than 5 acres, \$200.00.

8 (c) 5 acres or more but less than 20 acres, \$400.00.

9 (d) 20 acres or more but less than 100 acres, \$800.00.

10 (e) 100 acres or more, \$1,500.00.

11 (2) ~~For the 2014-2015 state fiscal year and each subsequent~~
 12 ~~fiscal year, the department shall proportionately adjust the~~
 13 ~~certificate of coverage and permit application fees under~~
 14 ~~subsection (1) by category to achieve a target in fee revenue under~~
 15 ~~subsection (1) and shall~~ **Beginning October 1, 2023, and by each**
 16 **October 1 thereafter, the department may increase the fee described**
 17 **under subsection (1) by an amount determined by multiplying the fee**
 18 **in effect during the immediately preceding fiscal year by the**
 19 **inflation adjustment factor, and rounding to the nearest whole**
 20 **dollar. The inflation adjustment factor used under this subsection**
 21 **is equal to the 3-year average July-June Consumer Price Index for**
 22 **the current fiscal year divided by the 3-year average July-June**
 23 **Consumer Price Index for the immediately preceding fiscal year, as**
 24 **determined by the department of treasury using the Detroit Consumer**
 25 **Price Index. An inflation adjustment factor used under this**
 26 **subsection must not be less than \$1.00. The department shall post**
 27 **the adjusted fees on its website by November 1. The** ~~Subject to~~
 28 **subsection (3), the** department shall set the target so that the
 29 annual cumulative total of the target amount plus all of the

1 following equals, as nearly as possible, \$900,000.00:

2 (a) The total amount of annual fees to be collected under
3 section 3309 in the state fiscal year.

4 (b) The amount of general funds appropriated to the program
5 under this part.

6 (c) The amount in the aquatic nuisance control fund created
7 under subsection (4) in excess of \$100,000.00 carried forward from
8 the prior state fiscal year.

9 (3) Notwithstanding any other provision of this section, fees
10 as adjusted under subsection (2) ~~shall~~ **must** be proportional to ~~and~~
11 ~~shall not exceed~~ the amounts set forth in subsection (1). ~~For each~~
12 ~~state fiscal year beginning with the 2015-2016 state fiscal year,~~
13 ~~the state treasurer shall adjust the \$900,000.00 figure in~~
14 ~~subsection (2) by an amount determined by the state treasurer at~~
15 ~~the end of the preceding fiscal year to reflect the cumulative~~
16 ~~annual percentage change in the consumer price index. As used in~~
17 ~~this subsection, "consumer price index" means the most~~
18 ~~comprehensive index of consumer prices available for this state~~
19 ~~from the bureau of labor statistics of the United States department~~
20 ~~of labor.~~

21 (4) The aquatic nuisance control fund is created in the state
22 treasury. The department shall forward all fees collected under
23 this section, section 3309, and section 3311 to the state treasurer
24 for deposit into the fund. The state treasurer may receive money or
25 other assets from any other source for deposit into the fund. The
26 state treasurer shall direct the investment of the fund. The state
27 treasurer shall credit to the fund interest and earnings from fund
28 investments. Money in the fund at the close of the fiscal year
29 ~~shall remain~~ **remains** in the fund and ~~shall~~ **does** not lapse to the

1 general fund. The department shall be the administrator of the fund
2 for auditing purposes. The department shall expend money from the
3 fund, ~~upon~~**on** appropriation, only for the administration of this
4 part, including, but not limited to, the following:

5 (a) Issuance of certificates of coverage and permits.

6 (b) Technology and reasonable laboratory costs to operate the
7 program under this part.

8 (c) Compliance and enforcement activities related to aquatic
9 nuisance control.

10 (d) Education of aquatic herbicide applicators, local and
11 state government agencies, lake boards, lakefront property owners,
12 and the general public about aquatic nuisance control and the
13 requirements of this part. The director may contract with a
14 nonprofit educational organization to administer an educational
15 program as described in this subdivision.

16 (5) A fee under this section, section 3309, or section 3311
17 may be paid by credit or debit card or electronic fund transfer.
18 The department shall determine which major credit and debit cards
19 may be used to pay a fee. If a fee is paid by credit or debit card,
20 the department may collect a service assessment from the user of
21 the credit or debit card. The service assessment ~~shall~~**must** not
22 exceed the actual cost to the department of the credit or debit
23 card transaction.

24 (6) The department shall not charge a fee for an amendment to
25 an application for a certificate of coverage or permit, including
26 an amendment to an application after that application ~~has been~~**is**
27 resubmitted under section 3307(7).

28 (7) **As used in this section, "Detroit Consumer Price Index"**
29 **means the most comprehensive index of consumer prices available for**

1 **the Detroit area from the Bureau of Labor Statistics of the United**
2 **States Department of Labor.**

3 Sec. 4104. (1) The department may promulgate and enforce rules
4 that the department considers necessary governing and providing a
5 method of conducting and operating all or a part of sewerage
6 systems including sewage treatment works. The department shall
7 classify sewage treatment works with regard to size, type,
8 location, and other physical conditions affecting those works and
9 according to the skill, knowledge, experience, and character that
10 the individual who is in charge of the active operation of the
11 sewage treatment works must possess to successfully operate the
12 works and prevent the discharge of deleterious matter capable of
13 being injurious to the public health or other public interests. The
14 department shall examine or provide for the examination of
15 individuals as to their qualifications to operate sewage treatment
16 works. The department shall promulgate rules regarding the
17 classification of sewage treatment works, the examinations for
18 certification of operators for those works, and the issuance and
19 revocation of certificates, and shall issue and revoke certificates
20 as provided in those rules. Every sewage treatment works subject to
21 this part must be under the supervision of a properly certified
22 operator, except that this section does not require the employment
23 of a certified operator in a waste treatment works that receives
24 only wastes that are not potentially prejudicial to the public
25 health.

26 (2) As provided in section 3110, the department may conduct a
27 program for training individuals seeking to be certified as
28 operators under subsection (1) and shall administer operator
29 certification programs for individuals seeking to be certified as

1 operators under subsection (1). ~~Until October 1, 2025, the~~ **The**
 2 department may charge fees for these programs as provided in
 3 section 3110. The department shall transmit fees collected under
 4 this section to the state treasurer for deposit into the operator
 5 training and certification fund created in section 3134.

6 Sec. 4112. (1) Subject to subsection (2), the following
 7 projects are eligible for expedited review:

8 (a) A conventional gravity sewer extension of 10,000 feet or
 9 less of sewer line.

10 (b) A simple pumping station and force main.

11 (c) A small diameter pressure sewer and grinder pumping
 12 station.

13 (2) An expedited review ~~shall~~ **must** not be conducted for a
 14 project that is being funded by the state water pollution control
 15 revolving fund created in section 16a of the shared credit rating
 16 act, 1985 PA 227, MCL 141.1066a.

17 (3) To obtain an expedited review, a person shall do all of
 18 the following: ~~before October 1, 2023:~~

19 (a) At least 10 business days before submitting an application
 20 under subdivision (b), notify the department electronically,
 21 ~~pursuant to~~ **in accordance with** instructions provided on the
 22 department's website, of ~~his or her~~ **the person's** intent to request
 23 expedited review. The department may waive this 10-day notification
 24 requirement.

25 (b) Submit electronically a complete application for a
 26 construction permit including a request for expedited review and
 27 credit card payment of the appropriate fee under subsection (4).

28 (c) Provide a written copy of the construction plans and
 29 specifications for the project that ~~has been~~ **is** prepared, signed,

1 and sealed by a licensed professional engineer to the department
2 postmarked not later than the date that the application is
3 submitted electronically.

4 (d) For nongovernmental entities, provide certification to the
5 department that all necessary contractual service agreements and
6 financial plans are in place.

7 (4) Except as provided in subsection (6), the fee for an
8 expedited review is as follows:

9 (a) For a conventional gravity sewer extension less than 2,000
10 feet, \$1,000.00.

11 (b) For a conventional gravity sewer extension equal to or
12 greater than 2,000 feet but less than 4,000 feet of sewer line,
13 \$1,500.00, and for each incremental increase of up to 2,000 feet of
14 sewer line, an additional \$500.00.

15 (c) For a simple pumping station and force main, \$2,000.00.

16 (d) For a small diameter pressure sewer and grinder pumping
17 station consisting of not more than 2,000 feet of sewer line and
18 not more than 10 grinder pumping stations, \$2,000.00.

19 (e) For small diameter pressure sewer and grinder pumping
20 station projects not covered by subdivision (d) and consisting of
21 not more than 5,000 feet of sewer line and not more than 25 grinder
22 pumping stations, \$4,000.00.

23 (5) Except as provided in subsection (7), if an applicant does
24 not comply with subsection (3), the department shall not conduct an
25 expedited review and any submitted fee shall not be refunded.
26 Within 10 business days after receipt of the application, the
27 department shall notify the applicant of the reasons why the
28 department's review of the application will not be expedited. ~~Upon~~
29 **On** receipt of this notification, a person may correct the

1 deficiencies and resubmit an application and request for an
2 expedited review with the appropriate fee specified under
3 subsection (6). The department shall not reject a resubmitted
4 application and request for expedited review solely because of
5 deficiencies that the department failed to fully identify in the
6 original application.

7 (6) For a second submission of an application that originally
8 failed to meet the requirements specified in subsection (3), the
9 applicant shall instead include a fee equal to 10% of the fee
10 specified in subsection (4). However, if the deficiency included
11 failure to pay the appropriate fee, the second submission ~~shall~~
12 **must** include the balance of the appropriate fee plus either 10% of
13 the appropriate fee or, if the applicant makes additional changes
14 other than those items identified by the department as being
15 deficient, an additional fee equal to the fee specified in
16 subsection (4). For the third and each subsequent submittal of an
17 application that failed to meet the requirements specified in
18 subsection (3), the applicant shall include an additional fee equal
19 to the fee specified in subsection (4).

20 (7) If an applicant fails to sign the application, submits
21 construction plans and specifications that have not been prepared,
22 signed, and sealed by a licensed professional engineer, or does not
23 submit the required fee, the department shall notify the applicant
24 of the deficiency within 5 business days after receiving the
25 application. The application ~~shall~~**must** not be processed until the
26 deficient items are addressed. If the applicant does not provide
27 the deficient items within 5 business days after notification by
28 the department, the application ~~shall~~**must** be handled as provided
29 in subsection (5).

1 (8) The department shall review and make a decision on
2 complete applications submitted with a request for expedited review
3 within 10 business days after receipt by the department of a
4 complete application. However, if the department waives the
5 notification requirement of subsection (3)(a), the department shall
6 review and make a decision on the application within 20 business
7 days after receipt of a complete application.

8 (9) If the department fails to meet the deadline specified in
9 subsection (8), both of the following apply:

10 (a) The department shall continue to expedite the application
11 review process for the application.

12 (b) The fee required under this section for an expedited
13 review ~~shall~~**must** be refunded.

14 (10) The department shall transmit fees collected under this
15 section to the state treasurer for deposit into the fund.

16 **(11) Beginning October 1, 2023, and by October 1 each year**
17 **thereafter, the department may increase the fee for an expedited**
18 **review described in subsection (4) by an amount determined by**
19 **multiplying the fee in effect during the immediately preceding**
20 **fiscal year by the inflation adjustment factor, and rounding to the**
21 **nearest whole dollar. The inflation adjustment factor used under**
22 **this subsection is equal to the 3-year average July-June Consumer**
23 **Price Index for the current fiscal year divided by the 3-year**
24 **average July-June Consumer Price Index for the immediately**
25 **preceding fiscal year, as determined by the department of treasury**
26 **using the Detroit Consumer Price Index. An inflation adjustment**
27 **factor used under this subsection must not be less than \$1.00. As**
28 **used in this subsection, "Detroit Consumer Price Index" means the**
29 **most comprehensive index of consumer prices available for the**

1 **Detroit area from the Bureau of Labor Statistics of the United**
 2 **States Department of Labor.**

3 (12) ~~(11)~~As used in this section, "complete application"
 4 means a department-provided application form that is completed, for
 5 which all requested information has been provided, and that can be
 6 processed without additional information.

7 Sec. 5522. (1) ~~Until October 1, 2023, the~~ **The** owner or
 8 operator of each fee-subject facility shall pay air quality fees as
 9 required and calculated under this section. The department may levy
 10 and collect an annual air quality fee from the owner or operator of
 11 each fee-subject facility in this state. The legislature intends
 12 that the fees required under this section meet the minimum
 13 requirements of the clean air act and that this expressly stated
 14 fee system serve as a limitation on the amount of fees imposed
 15 under this part on the owners or operators of fee-subject
 16 facilities in this state.

17 (2) The annual air quality fee ~~shall be~~ **is** calculated for each
 18 fee-subject facility, according to the following procedure:

19 (a) Except as provided in subdivisions (g) and (h), for
 20 category A facilities, the annual air quality fee is the sum of an
 21 emissions charge as specified in subdivision (i) and a facility
 22 charge. The facility charge is as follows, based on the amount of
 23 fee-subject emissions:

24 (i) If the amount of fee-subject emissions is capped under
 25 subdivision (i), \$45,000.00.

26 (ii) For 1,000 or more tons, \$30,000.00.

27 (iii) For 100 or more tons but less than 1,000 tons, \$15,750.00.

28 (iv) For 60 or more tons but less than 100 tons, \$12,500.00.

29 (v) For 6 or more tons but less than 60 tons, \$10,500.00.

1 (vi) For zero or more tons but less than 6 tons, \$5,250.00.

2 (b) For category B facilities, the annual air quality fee is
3 the sum of an emissions charge as specified in subdivision (j) and
4 a facility charge. The facility charge is as follows, based on the
5 amount of fee-subject emissions:

6 (i) For 2,000 or more tons, \$21,000.00.

7 (ii) For 200 or more tons but less than 2,000 tons, \$15,750.00.

8 (iii) For 60 or more tons but less than 200 tons, \$10,500.00.

9 (iv) For 6 or more tons but less than 60 tons, \$7,500.00.

10 (v) For zero or more tons but less than 6 tons, \$5,250.00.

11 (c) For category C facilities, the annual air quality fee is
12 the sum of an emissions charge as specified in subdivision (j) and
13 a facility charge. The facility charge is as follows, based on the
14 amount of fee-subject emissions:

15 (i) For 60 or more tons, \$4,500.00.

16 (ii) For 6 or more tons but less than 60 tons, \$3,500.00.

17 (iii) For zero or more tons but less than 6 tons, \$2,500.00.

18 (d) For category D facilities, the annual air quality fee is
19 the sum of an emissions charge as specified in subdivision (j) and
20 a facility charge. The facility charge is as follows, based on the
21 amount of fee-subject emissions:

22 (i) For 60 or more tons, \$2,500.00.

23 (ii) For 6 or more tons but less than 60 tons, \$2,000.00.

24 (iii) For zero or more tons but less than 6 tons, \$1,795.00.

25 (e) For category E facilities, the annual air quality fee is
26 as follows, based on the amount of fee-subject emissions:

27 (i) For 60 or more tons, \$1,795.00.

28 (ii) For zero or more tons but less than 60 tons, \$250.00.

1 (f) For category F facilities, the annual air quality fee is
2 \$250.00.

3 (g) For municipal electric generating facilities with 646 or
4 more tons of fee-subject air emissions, the annual air quality fee
5 is \$50,000.00.

6 (h) For municipal electric generating facilities with less
7 than 646 tons of fee-subject emissions, the annual air quality fee
8 ~~shall be~~**is** determined in the same manner as provided in
9 subdivision (b).

10 (i) The emissions charge for a category A facility that is not
11 covered by subdivision (g) or (h) equals the emission charge rate
12 multiplied by the actual tons of fee-subject emissions. The
13 emission charge rate for fee-subject air pollutants is \$53.00. A
14 pollutant that qualifies as a fee-subject air pollutant under more
15 than 1 class ~~shall be~~**is** charged only once. The actual tons of fee-
16 subject emissions is considered to be the sum of all fee-subject
17 emissions at the fee-subject facility for the calendar year 2 years
18 preceding the year of billing, but not more than the lesser of the
19 following:

20 (i) 6,100 tons.

21 (ii) 1,500 tons per pollutant, if the sum of all fee-subject
22 emissions except carbon monoxide at the fee-subject facility is
23 less than 6,100 tons.

24 (j) The emissions charge for facilities that are not electric
25 providers ~~shall~~**must** be calculated in the same manner as provided
26 in subdivision (i). However, the actual tons of fee-subject
27 emissions is considered to be the sum of all fee-subject emissions
28 at a fee-subject facility for the calendar year 2 years preceding
29 the year of billing, but not more than the lesser of the following:

1 (i) 4,500 tons.

2 (ii) 1,250 tons per pollutant, if the sum of all fee-subject
3 emissions except carbon monoxide at the fee-subject facility is
4 less than 4,500 tons.

5 (3) After January 1, but before January 15 of each year, the
6 department shall notify the owner or operator of each fee-subject
7 facility of its assessed annual air quality fee. Payment is due
8 within 90 calendar days after the mailing date of the air quality
9 fee notification. If an assessed fee is challenged under subsection
10 (5), payment is due within 90 calendar days after the mailing date
11 of the air quality fee notification or within 30 days after receipt
12 of a revised fee or statement supporting the original fee,
13 whichever is later. However, to combine fee assessments, the
14 department may adjust the billing date and due date under this
15 subsection for category ~~III-F~~ facilities that are dry cleaning
16 facilities also subject to the licensing requirements of section
17 13305 of the public health code, 1978 PA 368, MCL 333.13305, or the
18 certification requirements of section 5i of the fire prevention
19 code, 1941 PA 207, MCL 29.5i. The department shall deposit all fees
20 collected under this section to the credit of the fund.

21 (4) If the owner or operator of a fee-subject facility fails
22 to submit the amount due within the time period specified in
23 subsection (3), the department shall assess the owner or operator a
24 penalty of 5% of the amount of the unpaid fee for each month that
25 the payment is overdue up to a maximum penalty of 25% of the total
26 fee owed. However, to combine fee assessments, the department may
27 waive the penalty under this subsection for dry cleaning facilities
28 described in subsection (3).

29 (5) To challenge its assessed fee, the owner or operator of a

1 fee-subject facility shall submit the challenge in writing to the
2 department. The department shall not process the challenge unless
3 it is received by the department within 45 calendar days after the
4 mailing date of the air quality fee notification described in
5 subsection (3). A challenge ~~shall~~**must** identify the facility and
6 state the grounds ~~upon~~**on** which the challenge is based. Within 30
7 calendar days ~~of~~**after** receipt of the challenge, the department
8 shall determine the validity of the challenge and provide the owner
9 with notification of a revised fee or ~~a~~ statement setting forth the
10 reason or reasons why the fee was not revised. Payment of the
11 challenged or revised fee is due within the time frame described in
12 subsection (3). If the owner or operator of a facility desires to
13 further challenge its assessed fee, the owner or operator of the
14 facility has an opportunity for a contested case hearing as
15 provided for under chapter 4 of the administrative procedures act
16 of 1969, 1969 PA 306, MCL 24.271 to 24.288.

17 (6) If requested by the department, by March 15 of each year,
18 or within 45 days after the request, whichever is later, the owner
19 or operator of each fee-subject facility shall submit to the
20 department information regarding the facility's previous year's
21 emissions. The information ~~shall~~**must** be sufficient for the
22 department to calculate the facility's emissions for that year and
23 meet the requirements of 40 CFR 51.320 to 51.327.

24 (7) By July 1 of each year, the department shall provide the
25 owner or operator of each fee-subject facility required to pay an
26 emission charge ~~pursuant to~~**under** this section with a copy of the
27 department's calculation of the facility emissions for the previous
28 year. Within 60 days after this notification, the owner or operator
29 of the facility may provide corrections to the department. The

1 department shall make a final determination of the emissions by
2 December 15 of that year. If the owner or operator disagrees with
3 the determination of the department, the owner or operator may
4 request a contested case hearing as provided for under chapter 4 of
5 the administrative procedures act of 1969, 1969 PA 306, MCL 24.271
6 to 24.288.

7 (8) By March 1 ~~annually,~~ **each year**, the department shall
8 prepare and submit to the governor, the legislature, the
9 chairpersons of the standing committees of the senate and house of
10 representatives with primary responsibility for environmental
11 protection issues related to air quality, and the chairpersons of
12 the subcommittees of the senate and house **of representatives**
13 appropriations committees with primary responsibility for
14 appropriations to the department a report that details the
15 department's activities of the previous fiscal year funded by the
16 fund. This report ~~shall~~ **must** include, at a minimum, all of the
17 following as it relates to the department:

18 (a) The number of full-time equated positions performing title
19 V and non-title V air quality enforcement, compliance, or
20 permitting activities.

21 (b) All of the following information related to the permit to
22 install program authorized under section 5505:

23 (i) The number of permit to install applications received by
24 the department.

25 (ii) The number of permit to install applications for which a
26 final action was taken by the department. The number of final
27 actions ~~shall~~ **must** be reported as the number of applications
28 approved, the number of applications denied, and the number of
29 applications withdrawn by the applicant.

1 (iii) The number of permits to install approved that were
2 required to complete public participation under section 5511(3)
3 before final action and the number of permits to install approved
4 that were not required to complete public participation under
5 section 5511(3) ~~prior to~~ **before** final action.

6 (iv) The average number of final permit actions per permit to
7 install reviewer full-time equivalent position.

8 (v) The percentage and number of permit to install
9 applications that were reviewed for administrative completeness
10 within 10 days ~~of~~ **after** receipt by the department.

11 (vi) The percentage and number of permit to install
12 applications submitted to the department that were administratively
13 complete as received.

14 (vii) The percentage and number of permit to install
15 applications for which a final action was taken by the department
16 within 180 days after receipt for those applications not required
17 to complete public participation under section 5511(3) ~~prior to~~
18 **before** final action, or within 240 days after receipt for those
19 applications required to complete public participation under
20 section 5511(3) ~~prior to~~ **before** final action.

21 (viii) The percentage and number of permit to install
22 applications for which a processing period extension was requested
23 and granted.

24 (c) All of the following information for the renewable
25 operating permit program authorized under section 5506:

26 (i) The number of renewable operating permit applications
27 received by the department.

28 (ii) The number of renewable operating permit applications for
29 which a final action was taken by the department. The number of

1 final actions ~~shall~~**must** be reported as the number of applications
2 approved, the number of applications denied, and the number of
3 applications withdrawn by the applicant.

4 (iii) The percentage and number of initial permit applications
5 processed within the required time.

6 (iv) The percentage and number of permit renewals and
7 modifications processed within the required time.

8 (v) The number of permit applications reopened by the
9 department.

10 (vi) The number of general permits issued by the department.

11 (d) The number of letters of violation sent.

12 (e) The amount of penalties collected from all consent orders
13 and judgments.

14 (f) For each enforcement action that includes payment of a
15 penalty, a description of what corrective actions were required by
16 the enforcement action.

17 (g) The number of inspections done on sources required to
18 obtain a permit under section 5506 and the number of inspections of
19 other sources.

20 (h) The number of air pollution complaints received,
21 investigated, not resolved, and resolved by the department.

22 (i) The number of contested case hearings and civil actions
23 initiated, the number of contested case hearings and civil actions
24 completed, and the number of voluntary consent orders,
25 administrative penalty orders, and emergency orders entered or
26 issued, for sources required to obtain a permit under section 5506.

27 (j) The amount of revenue in the fund at the end of the fiscal
28 year.

29 (9) A report under subsection (8) ~~shall~~**must** also include the

1 amount of revenue for programs under this part received during the
2 prior fiscal year from fees, from federal funds, and from general
3 fund appropriations. Each of these amounts ~~shall~~**must** be expressed
4 as a dollar amount and as a percent of the total annual cost of
5 programs under this part.

6 (10) The attorney general may bring an action for the
7 collection of the fees imposed under this section.

8 (11) This section does not apply if the administrator of the
9 United States Environmental Protection Agency determines that the
10 department is not adequately administering or enforcing the
11 renewable operating permit program and the administrator
12 promulgates and administers a renewable operating permit program
13 for this state.

14 (12) **Beginning October 1, 2023, and by October 1 each year**
15 **thereafter, the department may increase the air quality fees**
16 **described in subsection (2) by an amount determined by multiplying**
17 **the air quality fee in effect during the immediately preceding**
18 **fiscal year by the inflation adjustment factor, and rounding to the**
19 **nearest whole dollar. The inflation adjustment factor used under**
20 **this subsection is equal to the 3-year average July-June Consumer**
21 **Price Index for the current fiscal year divided by the 3-year**
22 **average July-June Consumer Price Index for the immediately**
23 **preceding fiscal year, as determined by the department of treasury**
24 **using the Detroit Consumer Price Index. An inflation adjustment**
25 **factor used under this subsection must not be less than \$1.00. As**
26 **used in this subsection, "Detroit Consumer Price Index" means the**
27 **most comprehensive index of consumer prices available for the**
28 **Detroit area from the Bureau of Labor Statistics of the United**
29 **States Department of Labor.**

1 Sec. 9123. (1) ~~Beginning 3 years after the effective date of~~
2 ~~the 2000 amendments to this section,~~ **January 11, 2004**, each
3 individual who is responsible for administering this part and the
4 rules promulgated under this part or a local ordinance and who has
5 decision-making authority for soil erosion and sedimentation
6 control plan development or review, inspections, permit issuance,
7 or enforcement shall be trained by the department. The department
8 shall issue a certificate of training to individuals under this
9 section if they do both of the following:

10 (a) Complete a soil erosion and sedimentation control training
11 program sponsored by the department.

12 (b) Pass an examination on the subject matter covered in the
13 training program under subdivision (a).

14 (2) A certificate of training under subsection (1) is valid
15 for 5 years. For recertifications, the department may offer a
16 refresher course or other update in lieu of the requirements of
17 subsection ~~(1) (a) and (b)~~. **(1)**.

18 (3) The department may charge fees for administering the
19 training program and the examination under this section that are
20 not greater than the department's cost of administering the
21 training program and the examination. **Beginning October 1, 2023,**
22 **and by October 1 each year thereafter, the department may increase**
23 **the fees described in this subsection by an amount determined by**
24 **multiplying the fee in effect during the immediately preceding**
25 **fiscal year by the inflation adjustment factor, and rounding to the**
26 **nearest whole dollar. The inflation adjustment factor used under**
27 **this subsection is equal to the 3-year average July-June Consumer**
28 **Price Index for the current fiscal year divided by the 3-year**
29 **average July-June Consumer Price Index for the immediately**

1 preceding fiscal year, as determined by the department of treasury
 2 using the Detroit Consumer Price Index. An inflation adjustment
 3 factor used under this subsection must not be less than \$1.00. All
 4 fees collected under this section ~~shall~~**must** be deposited into the
 5 soil erosion and sedimentation control training fund created in
 6 section 9123a. **As used in this subsection, "Detroit Consumer Price**
 7 **Index" means the most comprehensive index of consumer prices**
 8 **available for the Detroit area from the Bureau of Labor Statistics**
 9 **of the United States Department of Labor.**

10 Sec. 11108. (1) Except as otherwise provided in this section,
 11 each owner or operator of a landfill shall pay to the department a
 12 fee assessed on hazardous waste disposed of in the landfill. The
 13 fee ~~shall~~**must** be based on the quantity of hazardous waste
 14 specified on the manifest or monthly operating report and ~~shall~~ be
 15 \$10.00 per ton, \$10.00 per cubic yard, or 1/2 cent per pound
 16 depending on the unit of measure used by the owner or operator to
 17 calculate the fee. The fee for fractional quantities of hazardous
 18 waste ~~shall~~**must** be proportional. If the hazardous waste is
 19 required to be listed on a manifest and the owner or operator of
 20 the landfill determines that the hazardous waste quantity on the
 21 manifest is not accurate, the owner or operator shall correct the
 22 hazardous waste quantity on all manifest copies accompanying the
 23 shipment, note the reason for the change in the discrepancy
 24 indication space on the manifest, and assess the fee in accordance
 25 with the corrected hazardous waste quantity. Payment ~~shall~~**must** be
 26 made within 30 days after the close of each quarter. The landfill
 27 owner or operator shall assess off-site generators the fee. The fee
 28 for hazardous waste that is generated and disposed of on the site
 29 of a landfill owner or operator ~~shall~~**must** be paid by that owner or

1 operator.

2 (2) Except as otherwise provided in this section, each owner
3 or operator of a solidification facility licensed ~~pursuant to~~**under**
4 section 11123 shall pay to the department a fee assessed on
5 hazardous waste received at the solidification facility. The fee
6 ~~shall~~**must** be based on the quantity of hazardous waste specified on
7 the manifest or monthly operating report and ~~shall~~ be \$10.00 per
8 ton, \$10.00 per cubic yard, 4 cents per gallon, or 1/2 cent per
9 pound depending on the unit of measure used by the owner or
10 operator to calculate the fee. The fee for fractional quantities of
11 hazardous waste ~~shall~~**must** be proportional. If the hazardous waste
12 is required to be listed on a manifest and the owner or operator of
13 the solidification facility determines that the hazardous waste
14 quantity on the manifest is not accurate, the owner or operator
15 shall correct the hazardous waste quantity on all manifest copies
16 accompanying the shipment, note the reason for the change in the
17 discrepancy indication space on the manifest, and assess the fee in
18 accordance with the corrected hazardous waste quantity. Payment
19 ~~shall~~**must** be made within 30 days after the close of each quarter.
20 The solidification facility owner or operator shall assess off-site
21 generators the fee. The fee for hazardous waste that is generated
22 and solidified on the site of a solidification owner or operator
23 ~~shall~~**must** be paid by that owner or operator.

24 (3) The following hazardous waste is exempt from the fees
25 provided for in this section:

26 (a) Ash that results from the incineration of hazardous waste
27 or the incineration of solid waste as defined in part 115.

28 (b) Hazardous waste exempted by rule because of its character
29 or the treatment it has received.

1 (c) Hazardous waste that is removed as part of a site cleanup
2 activity at the expense of this state or the federal government.

3 (d) Solidified hazardous waste produced by a solidification
4 facility licensed ~~pursuant to~~**under** section 11123 and destined for
5 land disposal.

6 (e) Hazardous waste generated ~~pursuant to~~**under** a 1-time
7 closure or site cleanup activity in this state if the closure or
8 cleanup activity has been authorized in writing by the department.
9 Hazardous waste resulting from the cleanup of inadvertent releases
10 which occur after March 30, 1988 is not exempt from the fees.

11 (f) Primary and secondary wastewater treatment solids from a
12 wastewater treatment plant that includes an aggressive biological
13 treatment facility as defined in 42 USC 6925.

14 (g) Emission control dust or sludge from the primary
15 production of steel in electric furnaces.

16 (4) An owner or operator of a landfill or solidification
17 facility shall assess or pay the fee described in this section
18 unless the generator provides a signed written certification
19 indicating that the hazardous waste is exempt from the fee. If the
20 hazardous waste that is exempt from the fee is required to be
21 listed on a manifest, the certification ~~shall~~**must** contain the
22 manifest number of the shipment and the specific fee exemption for
23 which the hazardous waste qualifies. If the hazardous waste that is
24 exempt from the fee is not required to be listed on a manifest, the
25 certification ~~shall~~**must** provide the volume of exempt hazardous
26 waste, the waste code or waste codes of the exempt waste, the date
27 of disposal or solidification, and the specific fee exemption for
28 which the hazardous waste qualifies. The owner or operator of the
29 landfill or solidification facility shall retain this certification

1 for 4 years from the date of receipt.

2 (5) The department or a health department certified pursuant
3 ~~to~~**under** section 11145 shall evaluate the accuracy of generator fee
4 exemption certifications and ~~shall~~ take enforcement action against
5 a generator who files a false certification. In addition, the
6 department shall take enforcement action to collect fees that are
7 not paid as required by this section.

8 (6) The landfill owner or operator and the solidification
9 facility owner or operator shall forward to the department the fee
10 revenue due under this section with a completed form that is
11 provided or approved by the department. The owner or operator shall
12 certify that all information provided in the form is accurate. The
13 form ~~shall~~**must** include the following information:

14 (a) The volume of hazardous waste subject to a fee.

15 (b) The name of each generator who was assessed a fee, the
16 generator's identification number, manifest numbers, hazardous
17 waste volumes, and the amount of the fee assessed.

18 (7) A generator is eligible for a refund from this state of
19 fees paid under this section if the generator documents to the
20 department, on a form provided by the department, a reduction in
21 the amount of hazardous waste generated as a result of a process
22 change, or a reduction in the amount of hazardous waste disposed of
23 in a landfill, either directly or following solidification at a
24 solidification facility, as a result of a process change or the
25 generator's increased use of source separation, input substitution,
26 process reformulation, recycling, treatment, or an exchange of
27 hazardous waste that results in a utilization of that hazardous
28 waste. The refund ~~shall~~**must** be in the amount of \$10.00 per ton,
29 \$10.00 per cubic yard, 4 cents per gallon, or 1/2 cent per pound of

1 reduction in the amount of hazardous waste generated or disposed of
2 in a landfill. A generator is not eligible to receive a refund for
3 that portion of a reduction in the amount of hazardous waste
4 generated that is attributable to a decrease in the generator's
5 level of production of the products that resulted in the generation
6 of the hazardous waste.

7 (8) A generator seeking a refund under subsection (7) shall
8 calculate the refund due by comparing hazardous waste generation,
9 treatment, and disposal activity in the calendar year immediately
10 preceding the date of filing with hazardous waste generation,
11 treatment, and disposal activity in the calendar year 2 years prior
12 to the date of filing. To be eligible for a refund, a generator
13 shall file a request with the department by June 30 of the year
14 following the year for which the refund is being claimed. A refund
15 ~~shall~~**must** not exceed the total fees paid by the generator to the
16 landfill operator or owner and the solidification facility operator
17 or owner. A form submitted by the generator as provided for in
18 subsection (7) ~~shall~~**must** be certified by the generator or the
19 generator's authorized agent.

20 (9) The department shall maintain information regarding the
21 landfill disposal fees received and refunds provided under this
22 section.

23 (10) The fees collected under this section ~~shall~~**must** be
24 forwarded to the state treasurer and deposited in the environmental
25 pollution prevention fund created in section 11130. ~~Any balance in
26 the waste reduction fund on October 1, 2013 shall not lapse to the
27 general fund but shall be transferred to the environmental
28 pollution prevention fund and the waste reduction fund shall be
29 closed.~~ Money from the environmental pollution prevention fund

1 ~~shall-must~~ be expended, ~~upon-on~~ appropriation, only for 1 or more
2 of the following purposes:

3 (a) To pay refunds to generators under this section.

4 (b) To fund programs created under this part, part 143, part
5 145, or the hazardous materials transportation act, 1998 PA 138,
6 MCL 29.471 to 29.480.

7 (c) Not more than \$500,000.00 to implement section 3103a.

8 (d) To fund the permit to install program established under
9 section 5505.

10 (11) Beginning October 1, 2023, and by October 1 each year
11 thereafter, the department may increase the fees assessed under
12 subsections (1) and (2) by an amount determined by multiplying the
13 fee in effect during the immediately preceding fiscal year by the
14 inflation adjustment factor, and rounding to the nearest whole
15 dollar. The inflation adjustment factor used under this subsection
16 is equal to the 3-year average July-June Consumer Price Index for
17 the current fiscal year divided by the 3-year average July-June
18 Consumer Price Index for the immediately preceding fiscal year, as
19 determined by the department of treasury using the Detroit Consumer
20 Price Index. An inflation adjustment factor used under this
21 subsection must not be less than \$1.00. As used in this subsection,
22 "Detroit Consumer Price Index" means the most comprehensive index
23 of consumer prices available for the Detroit area from the Bureau
24 of Labor Statistics of the United States Department of Labor.

25 Sec. 11109. (1) The owner or operator of a landfill shall pay
26 to the department a fee assessed on TENORM disposed of in the
27 landfill. The fee is \$5.00 per ton, based on the quantity of TENORM
28 specified on the monthly operating report. The fee for fractional
29 tons of TENORM ~~shall-must~~ be proportional. The fee ~~shall-must~~ be

1 paid within 30 days after the end of each calendar year quarter.
2 Beginning October 1, 2023, and by October 1 each year thereafter,
3 the department may increase the fee described in this subsection by
4 an amount determined by multiplying the fee in effect during the
5 immediately preceding fiscal year by the inflation adjustment
6 factor, and rounding to the nearest whole dollar. The inflation
7 adjustment factor used under this subsection is equal to the 3-year
8 average July-June Consumer Price Index for the current fiscal year
9 divided by the 3-year average July-June Consumer Price Index for
10 the immediately preceding fiscal year, as determined by the
11 department of treasury using the Detroit Consumer Price Index. An
12 inflation adjustment factor used under this subsection must not be
13 less than \$1.00. As used in this subsection, "Detroit Consumer
14 Price Index" means the most comprehensive index of consumer prices
15 available for the Detroit area from the Bureau of Labor Statistics
16 of the United States Department of Labor.

17 (2) The department shall take enforcement action to collect
18 fees that are not paid as required by this section.

19 (3) The landfill owner or operator shall forward to the
20 department the fee revenue due under this section with a completed
21 form that is provided or approved by the department. The owner or
22 operator shall certify that all information provided in the form is
23 accurate. The form ~~shall~~**must** specify the volume of TENORM disposed
24 of at the landfill during the preceding calendar quarter and the
25 amount of fee revenue being forwarded to the department.

26 (4) The department shall maintain information regarding the
27 fees collected under this section.

28 (5) The TENORM account is created within the environmental
29 pollution prevention fund created in section 11130. The department

1 shall forward fees collected under this section to the state
2 treasurer for deposit in the TENORM account. The state treasurer
3 may receive money or other assets from any other source for deposit
4 into the **TENORM** account. The state treasurer shall direct the
5 investment of the **TENORM** account ~~. The state treasurer shall and~~
6 credit to the **TENORM** account interest and earnings from account
7 investments. Money remaining in the **TENORM** account at the close of
8 the fiscal year ~~shall~~**does** not lapse to the general fund.

9 (6) Money from the TENORM account ~~shall~~**must** be expended, ~~upon~~
10 **on** appropriation, only for 1 or more of the following purposes:

11 (a) To pay refunds to generators under this section.

12 (b) To fund the department's regulation and oversight of the
13 disposal of TENORM in this state.

14 (c) To provide grants to local units of government and
15 landfill operators to obtain equipment to monitor TENORM radiation.

16 Sec. 11123. (1) Unless a person is complying with subsection
17 (8) or a rule promulgated under section 11127(4), a person shall
18 not establish, construct, conduct, manage, maintain, or operate a
19 treatment, storage, or disposal facility within this state without
20 an operating license from the department.

21 (2) An application for an operating license for a proposed
22 treatment, storage, or disposal facility or the expansion,
23 enlargement, or alteration of a treatment, storage, or disposal
24 facility beyond its original authorized design capacity or beyond
25 the area specified in an existing operating license, original
26 construction permit, or other authorization ~~shall~~**must** be submitted
27 on a form provided by the department and contain all of the
28 following:

29 (a) The name and residence of the applicant.

1 (b) The location of the proposed treatment, storage, or
2 disposal facility project.

3 (c) A copy of an actual published notice that the applicant
4 published at least 30 days before submittal of the application in a
5 newspaper having major circulation in the municipality and the
6 immediate vicinity of the proposed treatment, storage, or disposal
7 facility project. The notice ~~shall~~**must** contain a map indicating
8 the location of the proposed treatment, storage, or disposal
9 facility project and information on the nature and size of the
10 proposed facility. In addition, as provided by the department, the
11 notice ~~shall~~**must** contain a description of the application review
12 process, the location where the complete application may be
13 reviewed, and an explanation of how copies of the complete
14 application may be obtained.

15 (d) A written summary of the comments received at the public
16 preapplication meeting required by rule and the applicant's
17 response to the comments, including any revisions to the
18 application.

19 (e) A determination of existing hydrogeological
20 characteristics specified in a hydrogeological report and
21 monitoring program consistent with rules promulgated under this
22 part.

23 (f) An environmental assessment. The environmental assessment
24 ~~shall~~**must** include, at a minimum, an evaluation of the proposed
25 facility's impact on the air, water, and other natural resources of
26 this state ~~, and also shall contain an environmental failure mode~~
27 assessment.

28 (g) The procedures for closure and postclosure monitoring.

29 (h) An engineering plan.

1 (i) Other information specified by rule or by federal
2 regulation issued under the solid waste disposal act.

3 (j) An application fee. The application fee ~~shall~~**must** be
4 deposited in the environmental pollution prevention fund created in
5 section 11130. ~~Pursuant to~~**In accordance with** procedures
6 established by rule **and subject to subsection (10)**, the application
7 fee ~~shall~~**must** be \$25,000.00 plus all of the following, as
8 applicable:

9 (i) For a landfill, surface impoundment, land
10 treatment, or waste pile facility..... \$ 9,000.00

11 (ii) For an incinerator or treatment facility
12 other than a treatment facility described in
13 subparagraph (i)..... \$ 7,200.00

14 (iii) For a storage facility, other than storage
15 that is associated with treatment or
16 disposal activities that may be regulated
17 under a single license..... \$ 500.00

18 (k) Except as otherwise provided in this subdivision, a
19 disclosure statement that includes all of the following:

20 (i) The full name and business address of all of the following:

21 (A) The applicant.

22 (B) The 5 persons holding the largest shares of the equity in
23 or debt liability of the proposed facility. The department may
24 waive all or any portion of this requirement for an applicant that
25 is a corporation with publicly traded stock.

26 (C) The operator. If a waiver is obtained under sub-
27 subparagraph (B), detailed information regarding the proposed
28 operator shall be included in the disclosure statement.

29 (D) If known, the 3 employees of the operator who will have

1 the most responsibility for the day-to-day operation of the
2 facility, including their previous experience with other hazardous
3 waste treatment, storage, or disposal facilities.

4 (E) Any other partnership, corporation, association, or other
5 legal entity if any person required to be listed under sub-
6 subparagraphs (A) to (D) has at any time had 25% or more of the
7 equity in or debt liability of that legal entity. The department
8 may waive all or any portion of this requirement for an applicant
9 that is a corporation with publicly traded stock.

10 (ii) For each person required to be listed under this
11 subdivision, a list of all convictions for criminal violations of
12 any statute enacted by a federal, state, Canadian, or Canadian
13 provincial agency if the statute is an environmental statute, if
14 the violation was a misdemeanor committed in furtherance of
15 obtaining an operating license under this part not more than 5
16 years before the application is filed, or if the violation was a
17 felony committed in furtherance of obtaining an operating license
18 under this part not more than 10 years before the application is
19 filed. If debt liability is held by a chartered lending
20 institution, information required in this subparagraph and
21 subparagraphs (iii) and (iv) is not required from that institution.
22 ~~The department shall submit to the legislature a report on the 2014~~
23 ~~act that amended this subparagraph, including the number of permits~~
24 ~~denied as a result of that act and whether this subparagraph should~~
25 ~~be further amended. The report shall cover the 5 year period after~~
26 ~~the effective date of that act and shall be submitted within 60~~
27 ~~days after the expiration of that 5-year period. The report may be~~
28 ~~submitted electronically.~~

29 (iii) A list of all environmental permits or licenses issued by

1 a federal, state, local, Canadian, or Canadian provincial agency
2 held by each person required to be listed under this subdivision
3 that were permanently revoked because of noncompliance.

4 (iv) A list of all activities at property owned or operated by
5 each person required to be listed under this subdivision that
6 resulted in a threat or potential threat to the environment and for
7 which public funds were used to finance an activity to mitigate the
8 threat or potential threat to the environment, except if the public
9 funds expended to facilitate the mitigation of environmental
10 contamination were voluntarily and expeditiously recovered from the
11 applicant or other listed person without litigation.

12 (l) A demonstration that the applicant has considered each of
13 the following:

14 (i) The risk and impact of accident during the transportation
15 of hazardous waste to the treatment, storage, or disposal facility.

16 (ii) The risk and impact of fires or explosions from improper
17 treatment, storage, and disposal methods at the treatment, storage,
18 or disposal facility.

19 (iii) The impact on the municipality where the proposed
20 treatment, storage, or disposal facility is to be located in terms
21 of health, safety, cost, and consistency with local planning and
22 existing development, including proximity to housing, schools, and
23 public facilities.

24 (iv) The nature of the probable environmental impact, including
25 the specification of the predictable adverse effects on each of the
26 following:

27 (A) The natural environment and ecology.

28 (B) Public health and safety.

29 (C) Scenic, historic, cultural, and recreational values.

1 (D) Water and air quality and wildlife.

2 (m) A summary of measures evaluated to mitigate the impacts
3 identified in subdivision (l) and a detailed description of the
4 measures to be implemented by the applicant.

5 (n) A schedule for submittal of all of the following
6 postconstruction documentation:

7 (i) Any changes in, or additions to, the previously submitted
8 disclosure information, or a certification that the disclosure
9 listings previously submitted continue to be correct, following
10 completion of construction of the treatment, storage, or disposal
11 facility.

12 (ii) A certification under the seal of a licensed professional
13 engineer verifying that the construction of the treatment, storage,
14 or disposal facility has proceeded according to the plans approved
15 by the department and, if applicable, the approved construction
16 permit, including as-built plans.

17 (iii) A certification of the treatment, storage, or disposal
18 facility's capability of treating, storing, or disposing of
19 hazardous waste in compliance with this part.

20 (iv) Proof of financial assurance as required by rule.

21 (3) If any information required to be included in the
22 disclosure statement under subsection (2) (k) changes or is
23 supplemented after the filing of the statement, the applicant or
24 licensee shall provide that information to the department in
25 writing not later than 30 days after the change or addition.

26 (4) Notwithstanding any other provision of law, the department
27 may deny an application for an operating license if there are any
28 listings ~~pursuant to~~ **under** subsection (2) (k) (ii), (iii), or (iv) as
29 originally disclosed or as supplemented.

1 (5) The application for an operating license for a proposed
2 limited storage facility ~~, which that~~ is subject to the
3 requirements pertaining to storage facilities ~~, shall must~~ be
4 submitted on a form provided by the department and contain all of
5 the following:

6 (a) The name and residence of the applicant.

7 (b) The location of the proposed facility.

8 (c) A determination of existing hydrogeological
9 characteristics specified in a hydrogeological report and
10 monitoring program consistent with rules promulgated under this
11 part.

12 (d) An environmental assessment. The environmental assessment
13 ~~shall must~~ include, at a minimum, an evaluation of the proposed
14 facility's impact on the air, water, and other natural resources of
15 this state ~~, and also shall contain~~ an environmental failure mode
16 assessment.

17 (e) The procedures for closure.

18 (f) An engineering plan.

19 (g) Proof of financial responsibility.

20 (h) A resolution or other formal determination of the
21 governing body of each municipality in which the proposed limited
22 storage facility would be located indicating that the limited
23 storage facility is compatible with the zoning ordinance of that
24 municipality, if any. However, in the absence of a resolution or
25 other formal determination, the application ~~shall must~~ include a
26 copy of a registered letter sent to the municipality at least 60
27 days before the application submittal, indicating the intent to
28 construct a limited storage facility, and requesting a formal
29 determination on whether the proposed facility is compatible with

1 the zoning ordinance of that municipality, if any, in effect on the
2 date the letter is received, and indicating that failure to pass a
3 resolution or make a formal determination within 60 days of receipt
4 of the letter means that the proposed facility is to be considered
5 compatible with any applicable zoning ordinance. If, within 60 days
6 of receiving a registered letter, a municipality does not make a
7 formal determination concerning whether a proposed limited storage
8 facility is compatible with a zoning ordinance of that municipality
9 as in effect on the date the letter is received, the limited
10 storage facility is considered compatible with any zoning ordinance
11 of that municipality, and incompatibility with a zoning ordinance
12 of that municipality is not a basis for the department to deny the
13 license.

14 (i) An application fee of \$500.00. The application fee ~~shall~~
15 **must** be deposited in the environmental pollution prevention fund
16 created in section 11130.

17 (j) Other information specified by rule or by federal
18 regulation issued under the solid waste disposal act.

19 (6) The application for an operating license for a treatment,
20 storage, or disposal facility other than a facility identified in
21 subsection (2) or (5) ~~shall~~**must** be made on a form provided by the
22 department and include all of the following:

23 (a) The name and residence of the applicant.

24 (b) The location of the existing treatment, storage, or
25 disposal facility.

26 (c) Other information considered necessary by the department
27 or specified in this section, by rule, or by federal regulation
28 issued under the solid waste disposal act.

29 (d) Proof of financial responsibility. An applicant for an

1 operating license for a treatment, storage, or disposal facility
2 that is a surface impoundment, landfill, or land treatment facility
3 shall demonstrate financial responsibility for claims arising from
4 nonsudden and accidental occurrences relating to the operation of
5 the facility that cause injury to persons or property.

6 (e) A fee of \$500.00. The fee ~~shall~~**must** be deposited in the
7 environmental pollution prevention fund created in section 11130.

8 (7) The department shall establish a schedule for requiring
9 each person subject to subsection (8) to submit an operating
10 license application. The department may adjust this schedule as
11 necessary. Each person subject to subsection (8) shall submit a
12 complete operating license application within 180 days ~~of~~**after** the
13 date requested to do so by the department.

14 (8) A person ~~who~~**that** owns or operates a treatment, storage,
15 or disposal facility that is in existence on the effective date of
16 an amendment of this part or of a rule promulgated under this part
17 that renders all or portions of the facility subject to the
18 operating license requirements of this section may continue to
19 operate the facility or portions of the facility that are subject
20 to the operating license requirements until an operating license
21 application is approved or denied if all of the following
22 conditions have been met:

23 (a) A complete operating license application is submitted
24 within 180 days of the date requested by the department under
25 subsection (7).

26 (b) The person is in compliance with all rules promulgated
27 under this part and with all other state laws.

28 (c) The person qualifies for interim status as defined in the
29 solid waste disposal act, is in compliance with interim status

1 standards established by federal regulation under subtitle C of the
2 solid waste disposal act, 42 USC 6921 to 6939e, and has not had
3 interim status terminated.

4 (9) A person may request to be placed on a department-
5 organized mailing list to be kept informed of any rules, plans,
6 operating license applications, contested case hearings, public
7 hearings, or other information or procedures relating to the
8 administration of this part. The department may charge a fee to
9 cover the cost of the materials.

10 (10) **Beginning October 1, 2023, and by October 1 each year**
11 **thereafter, the department may increase the application fees**
12 **described in subsections (2) (j), (5) (i), and (6) (e) by an amount**
13 **determined by multiplying the fee in effect during the immediately**
14 **preceding fiscal year by the inflation adjustment factor, and**
15 **rounding to the nearest whole dollar. The inflation adjustment**
16 **factor used under this subsection is equal to the 3-year average**
17 **July-June Consumer Price Index for the current fiscal year divided**
18 **by the 3-year average July-June Consumer Price Index for the**
19 **immediately preceding fiscal year, as determined by the department**
20 **of treasury using the Detroit Consumer Price Index. An inflation**
21 **adjustment factor used under this subsection must not be less than**
22 **\$1.00. As used in this subsection, "Detroit Consumer Price Index"**
23 **means the most comprehensive index of consumer prices available for**
24 **the Detroit area from the Bureau of Labor Statistics of the United**
25 **States Department of Labor.**

26 Sec. 11153. (1) A generator, transporter, or treatment,
27 storage, or disposal facility shall obtain and utilize a site
28 identification number assigned by the United States Environmental
29 Protection Agency or the department. ~~Until October 1, 2025, the~~ ~~The~~

1 department shall assess a site identification number user charge of
2 \$50.00 for each site identification number it issues. The
3 department shall not issue a site identification number under this
4 subsection unless the site identification number user charge and
5 the tax identification number for the person applying for the site
6 identification number have been received by the department.

7 (2) ~~Until October 1, 2025, the~~ **The** department shall annually
8 assess hazardous waste management program user charges as follows:

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

11 (i) A generator that generates more than 100 kilograms but less
12 than 1,000 kilograms of hazardous waste in any month during the
13 calendar year shall pay to the department an annual handler user
14 charge of \$100.00.

15 (ii) A generator that generates 1,000 kilograms or more of
16 hazardous waste in any month during the calendar year and that
17 generates less than 900,000 kilograms during the calendar year
18 shall pay to the department an annual handler user charge of
19 \$400.00.

20 (iii) A generator that generates 1,000 kilograms or more of
21 hazardous waste in any month during the calendar year and that
22 generates 900,000 kilograms or more of hazardous waste during the
23 calendar year shall pay to the department an annual handler user
24 charge of \$1,000.00.

25 (b) An owner or operator of a treatment, storage, or disposal
26 facility for which an operating license is required under section
27 11123 or for which an operating license is issued under section
28 11125 shall pay to the department an annual handler user charge of
29 \$2,000.00.

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

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

8 (4) Handler user charges must be paid using a form provided by
9 the department. The handler shall certify that the information on
10 the form is accurate. The department shall send forms to the
11 handlers by March 30 of each year. A handler shall return the
12 completed forms and the appropriate payment to the department by
13 April 30 of each year.

14 (5) A handler that fails to provide timely and accurate
15 information, a complete form, or the appropriate handler user
16 charge is in violation of this part and is subject to both of the
17 following:

18 (a) Payment of the handler user charge and an administrative
19 fine of 5% of the amount owed for each month that the payment is
20 delinquent. Any payments received after the fifteenth of the month
21 after the due date are delinquent for that month. However, the
22 administrative fine must not exceed 25% of the total amount owed.

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

29 (6) The department shall maintain information regarding the

1 site identification number user charges and the handler user
2 charges collected under this section as necessary to satisfy the
3 reporting requirements of subsection (8).

4 (7) The site identification number user charges and the
5 handler user charges collected under this section and any amounts
6 collected under subsection (5) for a violation of this section must
7 be forwarded to the state treasurer and deposited in the
8 environmental pollution prevention fund created in section 11130.

9 (8) The department shall evaluate the effectiveness and
10 adequacy of the site identification number user charges and the
11 handler user charges collected under this section relative to the
12 overall revenue needs of the hazardous waste management program
13 administered under this part. Not later than April 1 of each even-
14 numbered year, the department shall submit to the legislature a
15 report summarizing the department's findings under this subsection.

16 (9) **Beginning October 1, 2023, and by October 1 each year**
17 **thereafter, the department may increase the user charges described**
18 **in subsections (1) and (2) by an amount determined by multiplying**
19 **the user charge in effect during the immediately preceding fiscal**
20 **year by the inflation adjustment factor, and rounding to the**
21 **nearest whole dollar. The inflation adjustment factor used under**
22 **this subsection is equal to the 3-year average July-June Consumer**
23 **Price Index for the current fiscal year divided by the 3-year**
24 **average July-June Consumer Price Index for the immediately**
25 **preceding fiscal year, as determined by the department of treasury**
26 **using the Detroit Consumer Price Index. An inflation adjustment**
27 **factor used under this subsection must not be less than \$1.00. As**
28 **used in this subsection, "Detroit Consumer Price Index" means the**
29 **most comprehensive index of consumer prices available for the**

1 **Detroit area from the Bureau of Labor Statistics of the United**
 2 **States Department of Labor.**

3 (10) ~~(9)~~—As used in this section:

4 (a) "Handler" means the person required to pay the handler
 5 user charge.

6 (b) "Handler user charge" means an annual hazardous waste
 7 management program user charge provided for in subsection (2).

8 Sec. 11509. (1) This section and sections 11510 to 11512 apply
 9 to disposal areas other than the following:

10 (a) A solid waste processing and transfer facility described
 11 in section 11513(1) or (2).

12 (b) An incinerator that does not comply with the construction
 13 permit and operating license requirements of this subpart, as
 14 allowed under section 11540.

15 (2) A person shall not establish a disposal area except as
 16 authorized by a construction permit issued by the department
 17 ~~pursuant to~~ **under** part 13. A person proposing the establishment of
 18 a disposal area shall submit the application for a construction
 19 permit to the appropriate local health officer. However, if the
 20 disposal area is located in a county or city that does not have a
 21 certified health department, the application shall be submitted
 22 directly to the department. An application for a construction
 23 permit ~~shall~~ **must** be accompanied by engineering plans.

24 (3) An application for a construction permit for a landfill
 25 ~~shall~~ **must** be accompanied by an application fee in the following
 26 amount:

27 (a) For a new landfill, the following:

28 (i) For a type II landfill, \$3,000.00.

29 (ii) Except as provided in subparagraph (iii), for an industrial

1 waste landfill, \$2,000.00.

2 (iii) For a type III landfill limited to low hazard industrial
3 waste, \$1,500.00.

4 (b) For a lateral expansion of a landfill, the following:

5 (i) For a type II landfill, \$2,000.00.

6 (ii) Except as provided in subparagraph (iii), for an industrial
7 waste landfill, \$1,500.00.

8 (iii) For a type III landfill limited to low hazard industrial
9 waste, construction and demolition waste, or other nonindustrial
10 waste, \$1,000.00.

11 (c) For a vertical expansion of an existing landfill, the
12 following:

13 (i) For a type II landfill, \$1,500.00.

14 (ii) Except as provided in subparagraph (iii), for an industrial
15 waste landfill, \$1,000.00.

16 (iii) For an industrial waste landfill limited to low hazard
17 industrial waste, construction and demolition waste, or other
18 nonindustrial waste, \$500.00.

19 (d) For a new coal ash impoundment, \$1,000.00.

20 (e) For a lateral or vertical expansion of a coal ash
21 impoundment, \$750.00.

22 (4) An application for a construction permit for a disposal
23 area that is not a landfill ~~shall~~**must** be accompanied by an
24 application fee in the following amount:

25 (a) For a new disposal area for municipal solid waste, or a
26 combination of municipal solid waste and waste listed in
27 subdivision (b), \$2,000.00.

28 (b) For a new disposal area for industrial waste, or
29 construction and demolition waste, \$1,000.00.

1 (c) For the expansion of an existing disposal area for any
2 type of waste, \$500.00.

3 (5) If an application is returned to the applicant as
4 administratively incomplete, the applicant may, within 1 year after
5 the application is returned, resubmit the application, together
6 with the additional information as needed to address the reasons
7 for being incomplete, without paying an additional application fee.
8 If a permit is denied or an application is withdrawn, an applicant
9 for a construction permit, within 1 year after the permit denial or
10 application withdrawal, may resubmit the application, together with
11 the additional information as needed to address the reasons for
12 denial or withdrawal, without paying an additional application fee.

13 (6) Subject to section 11510(2)(d), an application for a
14 modification to a construction permit or for renewal of a
15 construction permit that has expired ~~shall~~**must** be accompanied by a
16 fee of \$500.00.

17 (7) A person may apply for a single permit to construct more
18 than 1 type of disposal area at the same facility. A person ~~who~~
19 **that** applies to permit more than 1 type of disposal area at the
20 same facility shall pay a fee equal to the sum of the applicable
21 fees listed in this section for each type of disposal area.

22 (8) The department shall deposit permit application fees
23 collected under this section in the solid waste staff account of
24 the solid waste management fund.

25 (9) The department shall not approve an application for a
26 construction permit for a new type II landfill that is not
27 contiguous to an already permitted type II landfill or for a new
28 municipal solid waste incinerator unless the approval is requested
29 by the county board of commissioners and the department determines

1 that the landfill or incinerator is needed for the planning area.
 2 The county board of commissioners' request ~~shall~~**must** include a
 3 demonstration that materials utilization options have been
 4 exhausted. The department's determination of need shall be based on
 5 public health, solid waste disposal capacity, and economic issues
 6 that would arise without the new site.

7 **(10) Beginning October 1, 2023, and by October 1 each year**
 8 **thereafter, the department may increase the application fees**
 9 **described in subsections (3), (4), and (6) by an amount determined**
 10 **by multiplying the application fee in effect during the immediately**
 11 **preceding fiscal year by the inflation adjustment factor, and**
 12 **rounding to the nearest whole dollar. The inflation adjustment**
 13 **factor used under this subsection is equal to the 3-year average**
 14 **July-June Consumer Price Index for the current fiscal year divided**
 15 **by the 3-year average July-June Consumer Price Index for the**
 16 **immediately preceding fiscal year, as determined by the department**
 17 **of treasury using the Detroit Consumer Price Index. An inflation**
 18 **adjustment factor used under this subsection must not be less than**
 19 **\$1.00. As used in this subsection, "Detroit Consumer Price Index"**
 20 **means the most comprehensive index of consumer prices available for**
 21 **the Detroit area from the Bureau of Labor Statistics of the United**
 22 **States Department of Labor.**

23 **(11) ~~(10)~~As used in this section, "contiguous" means either**
 24 **of the following:**

25 (a) On the same property. The property may be divided by
 26 either of the following:

27 (i) The boundary of a local unit of government.

28 (ii) A public or private right-of-way if access to and from the
 29 right-of-way for each piece of the property is opposite the access

1 for the other piece of the property so that movement between the 2
2 pieces of the property is by crossing the right-of-way.

3 (b) On 2 or more properties owned by the same person if the
4 properties are connected by a right-of-way that the owner controls
5 and to which the public does not have access.

6 Sec. 11512. (1) This section applies to disposal areas as
7 provided in section 11509(1).

8 (2) A person shall not dispose of solid waste at a disposal
9 area unless the disposal area is licensed under this section.
10 However, a person authorized by state law or rules promulgated by
11 the department to do so may dispose of the solid waste at the site
12 of generation. Waste placement in existing landfill units ~~shall~~
13 **must** be consistent with past operating practices or modified
14 practices to ensure good management.

15 (3) Except as otherwise provided in this section, a person
16 shall not conduct, manage, maintain, or operate a disposal area
17 except as authorized by an operating license issued by the
18 department ~~pursuant to~~ **under** part 13. The owner or operator of the
19 disposal area shall submit a license application to the department
20 through a certified health department. Existing coal ash
21 impoundments are exempt from the licensing requirements of this
22 part through December 28, 2020. If the disposal area is located in
23 a county or city that does not have a certified health department,
24 the application ~~shall~~ **must** be made directly to the department. A
25 person authorized by part 115 to operate more than 1 type of
26 disposal area at the same facility may apply for a single license.

27 (4) An applicant for a license for a type II or type III
28 landfill shall submit evidence of financial assurance that meets
29 the requirements of section 11523a, the maximum waste slope in the

1 active portion, an estimate of remaining permitted capacity, and
2 documentation of the amount of waste received at the disposal area
3 during the previous license period or expected to be received,
4 whichever is greater.

5 (5) An application for a license for a disposal area other
6 than an existing coal ash impoundment ~~shall~~**must** include a
7 certification under the seal of a licensed professional engineer
8 verifying that the construction of the disposal area has proceeded
9 according to the approved plans. An applicant for a license for an
10 existing coal ash impoundment shall submit with the application
11 documentation in the applicant's possession or control regarding
12 the construction of the impoundment. If construction of a portion
13 of a landfill is not complete, the owner or operator shall submit
14 additional construction certification of that portion of the
15 landfill under section 11516(3).

16 (6) An applicant for an operating license, within 6 months
17 after a license denial, may resubmit the application, together with
18 additional information or corrections as are necessary to address
19 the reason for denial, without being required to pay an additional
20 application fee.

21 (7) To conduct tests and assess operational capabilities, the
22 owner or operator of a municipal solid waste incinerator that is
23 designed to burn at a temperature in excess of 2500 degrees
24 Fahrenheit may operate the incinerator without an operating
25 license, ~~upon~~**on** notice to the department, for a period not to
26 exceed 60 days.

27 (8) The application for a type II landfill operating license
28 ~~shall~~**must** be accompanied by the following fee for the 5-year term
29 of the operating license, subject to subsection (9):

1 (a) Landfills receiving less than 100 tons per day, \$500.00.

2 (b) Landfills receiving 100 tons per day or more, but less
3 than 250 tons per day, \$1,500.00.

4 (c) Landfills receiving 250 tons per day or more, but less
5 than 500 tons per day, \$4,000.00.

6 (d) Landfills receiving 500 tons per day or more, but less
7 than 1,000 tons per day, \$6,500.00.

8 (e) Landfills receiving 1,000 tons per day or more, but less
9 than 1,500 tons per day, \$12,500.00.

10 (f) Landfills receiving 1,500 tons per day or more, but less
11 than 3,000 tons per day, \$22,500.00.

12 (g) Landfills receiving more than 3,000 tons per day,
13 \$33,000.00.

14 (9) Type II landfill application fees ~~shall~~**must** be based on
15 the average amount of waste in tons projected to be received daily
16 during the license period. Application fees for license renewals
17 ~~shall~~**must** be based on the average amount of waste received daily
18 in the previous calendar year based on a 365-day calendar year.
19 Application fees ~~shall~~**must** be adjusted in the following
20 circumstances, **and are subject to subsection (26):**

21 (a) If a landfill accepts more than the amount of waste on
22 which the application fee was based, a supplemental fee equal to
23 the difference ~~shall~~**must** be submitted with the next license
24 application.

25 (b) If a landfill accepts less than the amount of waste on
26 which the application fee was based, the department shall credit
27 the applicant an amount equal to the difference with the next
28 license application.

29 (c) A landfill used exclusively for municipal solid waste

1 incinerator ash that measures waste by volume rather than weight
2 ~~shall~~**must** pay a fee based on 1 cubic yard per ton.

3 (10) The operating license application for a type III landfill
4 ~~shall~~**must** be accompanied by a fee of \$5,000.00.

5 (11) An application for an operating license for a coal ash
6 landfill ~~shall~~**must** be accompanied by a fee of \$13,000.00. By the
7 anniversary of the issuance of the operating license, while the
8 operating license remains in effect, the coal ash landfill owner or
9 operator shall pay the department a fee of \$13,000.00. If the
10 anniversary of the issuance of the operating license falls on a
11 legal holiday, the annual fee ~~shall~~**must** be paid by the next
12 business day.

13 (12) An application for an operating license by a coal ash
14 impoundment ~~shall~~**must** be accompanied by a fee of \$13,000.00. On
15 the anniversary of the issuance of the operating license, while the
16 operating license remains in effect, the coal ash impoundment owner
17 or operator shall pay the department a fee of \$13,000.00. If the
18 anniversary of the issuance of the operating license falls on a
19 legal holiday, the annual fee ~~shall~~**must** be paid on the next
20 business day.

21 (13) The department shall deposit the fees collected under
22 subsections (11) and (12) in the coal ash care fund created in
23 section 11550.

24 (14) ~~Upon~~**On** receipt of a license application for either a
25 coal ash impoundment or a coal ash landfill, the department shall
26 do all of the following:

27 (a) Immediately send notice to the clerk of the municipality
28 where the disposal area is located and the designated regional
29 solid waste management planning agency.

1 (b) Publish a notice in a newspaper having major circulation
2 in the vicinity of the disposal area.

3 (15) The notices under subsection (14) ~~shall~~**must** meet all of
4 the following requirements:

5 (a) Include a map indicating the location of the disposal area
6 and a description of the disposal area.

7 (b) Specify the location where the complete application
8 package may be reviewed and where copies may be obtained.

9 (c) Indicate that the department will accept comments for 45
10 days after the date of publication of the notice.

11 (d) Indicate that the department shall hold a public meeting
12 in the area of the disposal area if, within 15 days after the date
13 of publication of the notice, any of the following occur:

14 (i) A written request for a public meeting is submitted to the
15 department by the applicant or a municipality.

16 (ii) The department determines that there is a significant
17 public interest in or known public controversy over the application
18 or that for any other reason a public meeting is appropriate.

19 (16) A public meeting referred to in subsection (15) (d) ~~shall~~
20 **must** be held after the department makes a preliminary review of the
21 application and all pertinent data and before an operating license
22 is issued or denied. During its review, the department shall
23 consider input provided at the public meeting.

24 (17) If an application is returned to the applicant as
25 administratively incomplete, the department shall refund the entire
26 fee. An applicant for a license, within 12 months after a license
27 denial or withdrawal of a license application, may resubmit the
28 application with the additional information as needed to address
29 the reasons for denial, without being required to pay an additional

1 application fee.

2 (18) The operating license application for a solid waste
3 processing and transfer facility that manages more than 200 cubic
4 yards at any time, or other disposal area that is not a landfill or
5 surface impoundment ~~shall~~**must** be accompanied by a fee of
6 \$1,000.00.

7 (19) Except as provided in subsection (13), the department
8 shall deposit operating license application fees collected under
9 this section in the perpetual care account of the solid waste
10 management fund.

11 (20) A person ~~who~~**that** applies for an operating license for
12 more than 1 type of disposal area at the same facility shall pay a
13 fee equal to the sum of the applicable application fees listed in
14 this section.

15 (21) The department shall not license a landfill or coal ash
16 impoundment unless the landfill or coal ash impoundment has an
17 approved hydrogeologic monitoring program and the owner or operator
18 has provided the department with the monitoring results. The
19 department shall use this information in conjunction with other
20 information required by part 115 to determine a course of action
21 regarding licensing of the facility consistent with section 4005 of
22 subtitle D of the solid waste disposal act, 42 USC 6945, and with
23 part 115. In deciding a course of action, the department shall
24 consider, at a minimum, the environment, natural resources, the
25 public health, safety, and welfare, and other public or private
26 alternatives. If a landfill or coal ash impoundment violates part
27 115, the department may do any of the following:

28 (a) Revoke the landfill's or coal ash impoundment's license.

29 (b) If the disposal area is a coal ash impoundment that has

1 not been previously licensed under this part, deny a license.

2 (c) Issue a timetable or schedule of corrective action,
3 including a sequence of actions or operations, that leads to
4 compliance with part 115 within a reasonable time period but not
5 more than 1 year.

6 (22) A type II landfill does not require a separate solid
7 waste processing and transfer facility permit or license to
8 solidify industrial waste sludges on-site if that activity meets
9 all of the following requirements:

10 (a) Occurs in containers or tanks as specified in part 121.

11 (b) Complies with part 55.

12 (c) Is approved by the department as part of the facility's
13 operations plan.

14 (23) An existing industrial waste landfill may accept any of
15 the following:

16 (a) Industrial waste.

17 (b) Solid waste that originates from an industrial site and is
18 not a hazardous waste regulated under part 111.

19 (24) The owner or operator of a landfill shall annually submit
20 a report to the department and the county and municipality in which
21 the landfill is located that specifies the tonnage and type of
22 solid waste received by the landfill during the year itemized, to
23 the extent possible, by county, state, or country of origin and the
24 amount of remaining disposal capacity at the landfill. Remaining
25 disposal capacity ~~shall~~**must** be calculated as the permitted
26 capacity less waste in place for any area that has been constructed
27 and is not yet closed plus the permitted capacity for each area
28 that has a permit for construction under part 115 but has not yet
29 been constructed. The report ~~shall~~**must** be submitted within 45 days

1 after the end of each state fiscal year. By January 31 of each
2 year, the department shall submit to the legislature a report
3 summarizing the information obtained under this subsection.

4 (25) The owner or operator of a licensed processing and
5 transfer facility, within 45 days after the end of each state
6 fiscal year, shall submit to the department on a form and in a
7 medium provided by the department, a report on the amount of
8 materials managed at the facility during that state fiscal year.

9 (26) **Beginning October 1, 2023, and by October 1 each year**
10 **thereafter, the department may increase the fees described in this**
11 **section by an amount determined by multiplying the fee in effect**
12 **during the immediately preceding fiscal year by the inflation**
13 **adjustment factor, and rounding to the nearest whole dollar. The**
14 **inflation adjustment factor used under this subsection is equal to**
15 **the 3-year average July-June Consumer Price Index for the current**
16 **fiscal year divided by the 3-year average July-June Consumer Price**
17 **Index for the immediately preceding fiscal year, as determined by**
18 **the department of treasury using the Detroit Consumer Price Index.**
19 **An inflation adjustment factor used under this subsection must not**
20 **be less than \$1.00. As used in this subsection, "Detroit Consumer**
21 **Price Index" means the most comprehensive index of consumer prices**
22 **available for the Detroit area from the Bureau of Labor Statistics**
23 **of the United States Department of Labor.**

24 Sec. 11525a. (1) The owner or operator of a landfill or coal
25 ash impoundment shall pay a surcharge as follows:

26 (a) Except as provided in subdivision (b), for a landfill or
27 coal ash impoundment that is not a captive facility, 36 cents for
28 each ton or portion of a ton of solid waste or municipal solid
29 waste incinerator ash that is disposed of in the landfill or coal

1 ash impoundment. ~~before October 1, 2023.~~

2 (b) For a landfill or coal ash impoundment that is not a
3 captive facility, 12 cents per ton or portion of a ton of foundry
4 sand, slag from metal melting, baghouse dust, furnace refractory
5 brick, pulp and paper mill material, paper mill ash, wood ash, coal
6 bottom ash, mixed wood ash, fly ash, flue gas desulfurization
7 sludge, contaminated soil, cement kiln dust, lime kiln dust, and
8 other industrial waste that weighs at least 1 ton per cubic yard,
9 as determined by the generator.

10 (c) For a type III landfill or coal ash impoundment that is a
11 captive facility and annually receives the following amount of
12 waste, the following annual corresponding surcharge for each state
13 fiscal year, based on the amount of waste received during that
14 fiscal year:

15 (i) 100,000 or more tons of waste, \$3,000.00.

16 (ii) 75,000 or more but less than 100,000 tons of waste,
17 \$2,500.00.

18 (iii) 50,000 or more but less than 75,000 tons of waste,
19 \$2,000.00.

20 (iv) 25,000 or more but less than 50,000 tons of waste,
21 \$1,000.00.

22 (v) Less than 25,000 tons of waste, \$500.00.

23 (2) Within 30 days after the end of each quarter of a state
24 fiscal year, the owner or operator of a landfill or coal ash
25 impoundment that is not a captive facility shall pay the surcharge
26 under subsection (1) (a) for waste received during that quarter of
27 the state fiscal year. Within 30 days after the end of a state
28 fiscal year, the owner or operator of a type III landfill or coal
29 ash impoundment that is a captive facility shall pay the surcharge

1 under subsection (1)(b) for waste received during that state fiscal
2 year.

3 (3) If the owner or operator of a landfill or coal ash
4 impoundment is required to pay the surcharge under subsection (1),
5 the owner or operator shall pass through and collect the surcharge
6 from any person that generated the solid waste or arranged for its
7 delivery to the hauler or solid waste processing and transfer
8 facility, notwithstanding the provisions of any agreement to the
9 contrary or the absence of any agreement.

10 (4) Surcharges collected under this section ~~shall~~**must** be
11 forwarded to the state treasurer for deposit in the solid waste
12 staff account of the solid waste management fund.

13 **(5) Beginning October 1, 2023, and by October 1 each year**
14 **thereafter, the department may increase the surcharges described in**
15 **subsection (1) by an amount determined by multiplying the surcharge**
16 **in effect during the immediately preceding fiscal year by the**
17 **inflation adjustment factor, and rounding to the nearest whole**
18 **dollar. The inflation adjustment factor used under this subsection**
19 **is equal to the 3-year average July-June Consumer Price Index for**
20 **the current fiscal year divided by the 3-year average July-June**
21 **Consumer Price Index for the immediately preceding fiscal year, as**
22 **determined by the department of treasury using the Detroit Consumer**
23 **Price Index. An inflation adjustment factor used under this**
24 **subsection must not be less than \$1.00. As used in this subsection,**
25 **"Detroit Consumer Price Index" means the most comprehensive index**
26 **of consumer prices available for the Detroit area from the Bureau**
27 **of Labor Statistics of the United States Department of Labor.**

28 Sec. 11717b. (1) The cost of administering this part ~~shall be~~
29 **is** recovered by collecting fees from persons engaged in servicing.

1 Fee categories and, subject to subsection (2), rates are as
2 follows:

3 (a) The fee for a septage waste servicing license is \$200.00
4 per year.

5 (b) The fee for a septage waste vehicle license is as follows:

6 (i) If none of the vehicles owned by the person applying for
7 the septage waste vehicle license will be used at any time during
8 the license period for disposal of septage waste by land
9 application, \$350.00 per year for each septage waste vehicle.

10 (ii) If any of the vehicles owned by the person applying for
11 the septage waste vehicle license will be used at any time during
12 the license period for disposal of septage waste by land
13 application, \$480.00 per year for each septage waste vehicle.

14 (c) The fee to replace an existing septage waste vehicle under
15 a septage waste vehicle license with a different septage waste
16 vehicle under the same ownership, if the annual fee for that year
17 has been paid under subdivision (b), is as follows:

18 (i) \$200.00 if the septage waste vehicle being replaced has
19 been inspected for that year under section 11706.

20 (ii) \$150.00 if the vehicle being replaced has not been
21 inspected for that year.

22 (d) The fee for a site permit is \$500.00. However, a person
23 ~~shall~~**must** not be charged a fee to renew a site permit.

24 (2) If a fee under subsection (1) is paid for a license,
25 permit, or approval but the application for the license or permit
26 or the request for the approval is denied, the department shall
27 promptly refund the fee. **Beginning October 1, 2023, and by October**
28 **1 each year thereafter, the department may increase the fees**
29 **described in subsection (1) by an amount determined by multiplying**

1 the fee in effect during the immediately preceding fiscal year by
2 the inflation adjustment factor, and rounding to the nearest whole
3 dollar. The inflation adjustment factor used under this subsection
4 is equal to the 3-year average July-June Consumer Price Index for
5 the current fiscal year divided by the 3-year average July-June
6 Consumer Price Index for the immediately preceding fiscal year, as
7 determined by the department of treasury using the Detroit Consumer
8 Price Index. An inflation adjustment factor used under this
9 subsection must not be less than \$1.00. As used in this subsection,
10 "Detroit Consumer Price Index" means the most comprehensive index
11 of consumer prices available for the Detroit area from the Bureau
12 of Labor Statistics of the United States Department of Labor.

13 (3) For each state fiscal year, a person ~~possessing that~~
14 **possesses** a septage waste servicing license and septage waste
15 vehicle license as of January 1 of that fiscal year shall be
16 assessed a septage waste servicing license fee and septage waste
17 vehicle license fee as specified in this section. The department
18 shall notify those persons of their fee assessments by February 1
19 of that fiscal year. Payment shall be postmarked by March 15 of
20 that fiscal year.

21 (4) The department shall assess interest on all fee payments
22 received after the due date. The amount of interest ~~shall equal~~
23 **equals** 0.75% of the payment due, for each month or portion of a
24 month the payment remains past due. The failure by a person to
25 timely pay a fee imposed by this section is a violation of this
26 part.

27 (5) If a person fails to pay a fee required under this section
28 in full, plus any interest accrued, by October 1 of the year
29 following the date of notification of the fee assessment, the

1 department may issue an order that revokes the license or permit
2 held by that person for which the fee was to be paid.

3 (6) Fees and interest collected under this section ~~shall~~**must**
4 be deposited in the fund.

5 Sec. 12109. (1) A liquid industrial by-product transporter
6 shall provide the generator confirmation of acceptance of by-
7 product for transportation and ~~shall~~ deliver the liquid industrial
8 by-product only to the designated facility specified by the
9 generator.

10 (2) The liquid industrial by-product transporter shall retain
11 all records required under this part for at least 3 years, and
12 ~~shall~~ make those records readily available for review and
13 inspection by the department or a peace officer. The retention
14 period required in this subsection is automatically extended during
15 the course of any unresolved enforcement action regarding an
16 activity regulated under this part or as required by the
17 department. Records required under this part may be retained in
18 electronic format.

19 (3) The department may authorize, for certain liquid
20 industrial by-product streams, the use of a consolidated shipping
21 document as authorized under section 12103(1)(d). If a consolidated
22 shipping document is authorized by the department and utilized by a
23 generator, the transporter shall give to the generator a receipt
24 documenting the transporter's company name, the driver's signature,
25 the date of pickup, the type and quantity of by-product removed,
26 the consolidated shipping document number, and the designated
27 facility.

28 (4) A transporter shall obtain a site identification number
29 assigned by the United States Environmental Protection Agency or

1 the department. ~~Until October 1, 2021, the~~ **The** department shall
2 assess a site identification number user charge of \$50.00 for each
3 site identification number it issues. The department shall not
4 issue a site identification number under this subsection unless the
5 site identification number user charge and the tax identification
6 number for the person applying for the site identification number
7 have been received. Money collected under this subsection ~~shall~~
8 **must** be forwarded to the state treasurer for deposit into the
9 environmental pollution prevention fund created in section 11130.

10 **(5) Beginning October 1, 2023, and by October 1 each year**
11 **thereafter, the department may increase the user charge described**
12 **in subsection (4) by an amount determined by multiplying the user**
13 **charge in effect during the immediately preceding fiscal year by**
14 **the inflation adjustment factor, and rounding to the nearest whole**
15 **dollar. The inflation adjustment factor used under this subsection**
16 **is equal to the 3-year average July-June Consumer Price Index for**
17 **the current fiscal year divided by the 3-year average July-June**
18 **Consumer Price Index for the immediately preceding fiscal year, as**
19 **determined by the department of treasury using the Detroit Consumer**
20 **Price Index. An inflation adjustment factor used under this**
21 **subsection must not be less than \$1.00. As used in this subsection,**
22 **"Detroit Consumer Price Index" means the most comprehensive index**
23 **of consumer prices available for the Detroit area from the Bureau**
24 **of Labor Statistics of the United States Department of Labor.**

25 Sec. 12112. (1) The owner or operator of a facility that
26 accepts liquid industrial by-product shall accept delivery of by-
27 product at the designated facility only if the facility is the
28 destination indicated on the shipping document. The facility owner
29 or operator shall do all of the following:

1 (a) Obtain a site identification number assigned by the United
2 States Environmental Protection Agency or the department. ~~Until~~
3 ~~October 1, 2021, the~~ **The** department shall assess a site
4 identification number user charge of \$50.00 for each site
5 identification number it issues. The department shall not issue a
6 site identification number under this subdivision unless the site
7 identification number user charge and the tax identification number
8 for the person applying for the site identification number have
9 been received. Money collected under this subdivision ~~shall~~ **must** be
10 forwarded to the state treasurer for deposit into the environmental
11 pollution prevention fund created in section 11130. **Beginning**
12 **October 1, 2023, and by October 1 each year thereafter, the**
13 **department may increase the user charge described in this**
14 **subdivision by an amount determined by multiplying the user charge**
15 **in effect during the immediately preceding fiscal year by the**
16 **inflation adjustment factor, and rounding to the nearest whole**
17 **dollar. The inflation adjustment factor used under this subsection**
18 **is equal to the 3-year average July-June Consumer Price Index for**
19 **the current fiscal year divided by the 3-year average July-June**
20 **Consumer Price Index for the immediately preceding fiscal year, as**
21 **determined by the department of treasury using the Detroit Consumer**
22 **Price Index. An inflation adjustment factor used under this**
23 **subsection must not be less than \$1.00. As used in this**
24 **subdivision, "Detroit Consumer Price Index" means the most**
25 **comprehensive index of consumer prices available for the Detroit**
26 **area from the Bureau of Labor Statistics of the United States**
27 **Department of Labor.**

28 (b) Provide the generator or the generator's authorized
29 representative confirmation of the receipt of the liquid industrial

1 by-product.

2 (c) Maintain records of the characterization of the liquid
3 industrial by-product. Characterization ~~shall~~**must** be in accordance
4 with the requirements of this act.

5 (2) All storage, treatment, and reclamation of liquid
6 industrial by-product at the designated facility ~~shall~~**must** be in
7 either containers or tanks or as otherwise specified in section
8 12113(5). Storage, treatment, or reclamation regulated under part
9 615 or the rules, orders, or instructions promulgated under that
10 part, or regulated under part C of title XIV of the public health
11 service act, 42 USC 300h to ~~300h-8,~~**300h-9**, or the regulations
12 promulgated under that part are exempt from this subsection.

13 (3) The owner or operator of a designated facility shall not
14 store liquid industrial by-product for longer than 1 year unless
15 the by-product is being stored for purposes of reclamation and not
16 less than 75% of the cumulative amount, by weight or volume, of
17 each type of by-product that is stored on site each calendar year
18 is reclaimed or transferred to a different site for reclamation
19 during that calendar year. The owner or operator of a designated
20 facility shall maintain documentation that demonstrates compliance
21 with this subsection.

22 (4) The owner or operator of a designated facility shall do
23 all of the following:

24 (a) Retain all records required ~~pursuant to~~**under** this part
25 for a period of at least 3 years and ~~shall~~ make those records
26 readily available for review and inspection by the department or a
27 peace officer. The retention period required by this subdivision is
28 automatically extended during the course of any unresolved
29 enforcement action regarding the regulated activity or as required

1 by the department. Records required under this part may be retained
2 in electronic format.

3 (b) Maintain a plan designed to respond to and minimize
4 hazards to human health and the environment from unplanned releases
5 of liquid industrial by-product to air, soil, and surface water.

6 (c) Document that all employees who have a responsibility to
7 manage liquid industrial by-product are trained in the proper
8 handling and emergency procedures appropriate for their job duties.

9 (5) Except as provided in subsection (6), a designated
10 facility shall submit to the department by April 30 each year a
11 report describing its activities for the previous calendar year.
12 The department shall provide for a method of electronic reporting.
13 The report, at a minimum, shall include the following information:

14 (a) The name and address of the facility.

15 (b) The calendar year covered by the report.

16 (c) The types and quantities of liquid industrial by-product
17 accepted and a description of the manner in which the liquid
18 industrial by-product was processed or managed.

19 (6) A designated facility is not subject to the reporting
20 requirements of subsection (5) for a calendar year if, during that
21 calendar year, the designated facility received liquid industrial
22 by-products only from 1 generator and was owned, operated, or
23 legally controlled by that generator.

24 Sec. 16904. (1) By January 31 of each year, the owner or
25 operator of a collection site or portable shredding operation shall
26 submit an application for registration to the department. If a
27 person ~~who~~**that** owns or operates a collection site is also a
28 portable shredding operation, the person may submit a single
29 application covering both. The application ~~shall~~**must** be on a form

1 provided by the department and ~~shall~~ contain the information
2 required by the department. The application for registration of a
3 collection site ~~shall~~ **must** include all of the following:

4 (a) Documentation that the collection site is bonded for the
5 registration period as required by section 16903(4), if applicable.

6 (b) The signature of the applicant and, if the applicant is
7 not the owner of the real property, the signature of the owner.

8 (2) The department shall not register a collection site unless
9 the collection site is in compliance with the storage requirements.

10 (3) A \$200.00 registration fee ~~shall~~ **must** accompany each
11 annual application for registration under this section. The
12 department shall deposit money collected under this subsection into
13 the state treasury to be credited to the fund. **Beginning October 1,**
14 **2023, and by October 1 each year thereafter, the department may**
15 **increase the registration fee described in this subsection by an**
16 **amount determined by multiplying the registration fee in effect**
17 **during the immediately preceding fiscal year by the inflation**
18 **adjustment factor, and rounding to the nearest whole dollar. The**
19 **inflation adjustment factor used under this subsection is equal to**
20 **the 3-year average July-June Consumer Price Index for the current**
21 **fiscal year divided by the 3-year average July-June Consumer Price**
22 **Index for the immediately preceding fiscal year, as determined by**
23 **the department of treasury using the Detroit Consumer Price Index.**
24 **An inflation adjustment factor used under this subsection must not**
25 **be less than \$1.00. As used in this subsection, "Detroit Consumer**
26 **Price Index" means the most comprehensive index of consumer prices**
27 **available for the Detroit area from the Bureau of Labor Statistics**
28 **of the United States Department of Labor.**

29 Sec. 17303. (1) Within 30 days after the end of each state

1 fiscal year, a manufacturer that sells or offers for sale to any
2 person in this state a new covered electronic device shall register
3 with the department on a form provided by the department. A
4 registration expires 30 days after the end of the state fiscal year
5 in which the registration is required to be filed. A manufacturer
6 ~~who~~ **that** has not already filed a registration under this part shall
7 submit a registration within 10 business days after the
8 manufacturer begins to sell or offer for sale new covered
9 electronic devices in this state.

10 (2) A registration under subsection (1) ~~shall~~ **must** include all
11 of the following:

12 (a) The manufacturer's name, address, and telephone number.

13 (b) Each brand name under which the manufacturer sells or
14 offers for sale covered electronic devices in this state.

15 (c) Information about the manufacturer's electronic device
16 takeback program, including all of the following:

17 (i) Information provided to consumers on how and where to
18 return covered electronic devices labeled with the manufacturer's
19 name or brand label.

20 (ii) The means by which information described in subparagraph
21 (i) is disseminated to consumers, including the relevant website
22 address if the internet is used.

23 (iii) Beginning with the first registration submitted after the
24 implementation of the takeback program, a report on the
25 implementation of the takeback program during the prior state
26 fiscal year, including all of the following:

27 (A) The total weight of the covered electronic devices
28 received by the takeback program from consumers during the prior
29 state fiscal year.

1 (B) The processes and methods used to recycle or reuse the
2 covered electronic devices received from consumers.

3 (C) The identity of any collector or recycler with whom the
4 manufacturer contracts for the collection or recycling of covered
5 electronic devices received from consumers. The identity of a
6 recycler shall include the addresses of that recycler's recycling
7 facilities in this state, if any. The identity of a collector or
8 recycler reported under this subparagraph is exempt from disclosure
9 under the freedom of information act, 1976 PA 442, MCL 15.231 to
10 15.246, and ~~shall~~**must** not be disclosed by the department unless
11 required by court order.

12 (3) A registration is effective ~~upon~~**on** receipt by the
13 department if the registration is administratively complete.

14 (4) If a manufacturer's registration does not meet the
15 requirements of this section and any rules promulgated under this
16 part, the department shall notify the manufacturer of the
17 deficiency. If the manufacturer fails to correct the deficiency
18 within 60 days after notice is sent by the department, the
19 department may deny or revoke the manufacturer's registration,
20 after providing an opportunity for a contested case hearing under
21 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
22 to 24.328.

23 (5) A manufacturer of covered electronic devices shall update
24 its registration within 10 business days after a change in the
25 brands of covered electronic devices from that manufacturer sold or
26 offered for sale in this state.

27 (6) ~~Until October 1, 2023, a~~**A** manufacturer's registration
28 ~~shall~~**must** be accompanied by an annual fee of \$3,000.00. However,
29 if the amount of money in the fund on December 31 of any year is

1 greater than \$600,000.00, the department shall not collect
2 manufacturers' registration fees for the following state fiscal
3 year. **Beginning October 1, 2023, and by October 1 each year**
4 **thereafter, the department may increase the annual fee described in**
5 **this subsection by an amount determined by multiplying the annual**
6 **fee in effect during the immediately preceding fiscal year by the**
7 **inflation adjustment factor, and rounding to the nearest whole**
8 **dollar. The inflation adjustment factor used under this subsection**
9 **is equal to the 3-year average July-June Consumer Price Index for**
10 **the current fiscal year divided by the 3-year average July-June**
11 **Consumer Price Index for the immediately preceding fiscal year, as**
12 **determined by the department of treasury using the Detroit Consumer**
13 **Price Index. An inflation adjustment factor used under this**
14 **subsection must not be less than \$1.00. As used in this subsection,**
15 **"Detroit Consumer Price Index" means the most comprehensive index**
16 **of consumer prices available for the Detroit area from the Bureau**
17 **of Labor Statistics of the United States Department of Labor.**

18 (7) Revenue from manufacturers' registration fees collected
19 under this section ~~shall~~**must** be deposited in the electronic waste
20 recycling fund created in section 17327.

21 (8) The department shall maintain on its website a list of
22 registered manufacturers of computers and a list of registered
23 manufacturers of video display devices and the website addresses at
24 which they provide information on recycling covered electronic
25 devices.

26 (9) Not later than October 1, 2011 and every 2 years after
27 that date, the department shall submit a report to the secretary of
28 the senate and to the clerk of the house of representatives that
29 assesses the adequacy of the fees under this section and any

1 departmental recommendation to modify those fees.

2 Sec. 17317. (1) Within 30 days after the end of each state
3 fiscal year, a person ~~who~~**that** engages in the business of recycling
4 covered electronic devices shall register with the department on a
5 form provided by the department. A registration expires 30 days
6 after the end of the state fiscal year in which the registration is
7 required to be filed. A recycler ~~who~~**that** has not already filed a
8 registration under this part shall submit a registration within 10
9 business days after the recycler begins to recycle covered
10 electronic devices.

11 (2) A registration under subsection (1) ~~shall~~**must** include all
12 of the following:

13 (a) The name, address, telephone number, and location of all
14 recycling facilities that are under the direct control of the
15 recycler, are located in this state, and may receive covered
16 electronic devices.

17 (b) A certification by the recycler that the recycler
18 substantially meets the requirements of section 17315.

19 (3) A recycler of covered electronic devices shall report the
20 total weight of covered electronic devices recycled during the
21 previous state fiscal year. The recycler shall keep a written log
22 that records the weight of covered video display devices and the
23 total weight of covered computers delivered to the recycler and
24 identified as such on receipt. The total weight reported in the
25 registration ~~shall~~**must** be based on this log.

26 (4) A recycler's registration is effective ~~upon~~**on** receipt by
27 the department if the registration is administratively complete.

28 (5) If a recycler's registration does not meet the
29 requirements of this section and any rules promulgated under this

1 part, the department shall notify the recycler of the deficiency.
2 If the recycler fails to correct the deficiency within 60 days
3 after notice is sent by the department, the department may deny or
4 revoke the recycler's registration, after providing an opportunity
5 for a contested case hearing under the administrative procedures
6 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

7 (6) ~~Until October 1, 2023, a~~ **A** recycler's registration under
8 subsection (1) ~~shall~~ **must** be accompanied by an annual fee of
9 \$2,000.00. **Beginning October 1, 2023, and by October 1 each year**
10 **thereafter, the department may increase the annual fee described in**
11 **this subsection by an amount determined by multiplying the annual**
12 **fee in effect during the immediately preceding fiscal year by the**
13 **inflation adjustment factor, and rounding to the nearest whole**
14 **dollar. The inflation adjustment factor used under this subsection**
15 **is equal to the 3-year average July-June Consumer Price Index for**
16 **the current fiscal year divided by the 3-year average July-June**
17 **Consumer Price Index for the immediately preceding fiscal year, as**
18 **determined by the department of treasury using the Detroit Consumer**
19 **Price Index. An inflation adjustment factor used under this**
20 **subsection must not be less than \$1.00. As used in this subsection,**
21 **"Detroit Consumer Price Index" means the most comprehensive index**
22 **of consumer prices available for the Detroit area from the Bureau**
23 **of Labor Statistics of the United States Department of Labor.**

24 (7) Revenue from recyclers' registration fees collected under
25 this section ~~shall~~ **must** be deposited in the electronic waste
26 recycling fund created in section 17327.

27 (8) Submitting a false registration under subsection (1) is a
28 violation of this part.

29 (9) Not later than October 1, 2011 and every 2 years after

1 that date, the department shall submit a report to the secretary of
 2 the senate and to the clerk of the house of representatives that
 3 assesses the adequacy of the fees under this section and any
 4 departmental recommendation to modify those fees.

5 Sec. 21506a. (1) The refined petroleum fund is created within
 6 the state treasury.

7 (2) The state treasurer may receive money or other assets from
 8 any source for deposit into the refined petroleum fund. The state
 9 treasurer shall direct the investment of the refined petroleum fund
 10 ~~. The state treasurer shall~~ **and** credit to the refined petroleum
 11 fund interest and earnings from refined petroleum fund investments.

12 (3) Money in the refined petroleum fund at the close of the
 13 fiscal year remains in the refined petroleum fund and does not
 14 lapse to the general fund.

15 (4) Money from the refined petroleum fund ~~shall~~ **must** be
 16 expended, upon appropriation, only for 1 or more of the following
 17 purposes:

18 (a) Corrective actions performed by the department ~~pursuant to~~
 19 **under** section 21320.

20 (b) The legacy release program created in section 21519a.

21 (c) The reasonable costs of the department in administering
 22 the refined petroleum fund and implementing part 213.

23 (d) Not more than \$5,000,000.00 annually for petroleum product
 24 inspection programs under both of the following:

25 (i) The weights and measures act, 1964 PA 283, MCL 290.601 to
 26 290.635.

27 (ii) The motor fuels quality act, 1984 PA 44, MCL 290.641 to
 28 290.650d.

29 (e) ~~Not more than \$3,000,000.00~~ **A designated amount** annually

1 for the bureau of fire services and office of the state fire
 2 marshal, storage tank division, in the department of licensing and
 3 regulatory affairs.

4 (f) Reimbursement by the authority to local units of
 5 government and county road commissions for the costs of corrective
 6 action to manage, relocate, or dispose of any media contaminated by
 7 regulated substances left in place within a public highway ~~pursuant~~
 8 ~~to~~**under** section 21310a if all of the following occur:

9 (i) The local unit of government or county road commission has
 10 submitted to the authority a claim for reimbursement on a form
 11 created by the authority.

12 (ii) The claim for reimbursement is for reasonable and
 13 necessary eligible corrective action costs determined by the
 14 administrator ~~pursuant to~~**under** section 21515(2) to (10).

15 (iii) The amount of reimbursement is not more than \$200,000.00
 16 per claim.

17 (g) Not more than \$5,000,000.00 annually for the department to
 18 provide grants and loans in accordance with part 196 to facilitate
 19 brownfield redevelopment at part 213 properties. Money ~~shall~~**must**
 20 not be provided under this subsection to fund the performance of
 21 response activities at a part 213 property to address contamination
 22 that is solely attributable to a release regulated under part 201.

23 (h) The permanent closure of an underground storage tank
 24 system by the department if the underground storage tank system
 25 meets the conditions that require permanent closure under R 29.2153
 26 of the Michigan Administrative Code or the department determines it
 27 is necessary to protect public health, safety, welfare, or the
 28 environment.

29 **(5) As used in this section:**

1 (a) "Designated amount" means \$3,000,000.00, and beginning on
2 October 1, 2024, and every year thereafter, an amount equal to the
3 amount effective for the immediately preceding fiscal year
4 multiplied by the inflation adjustment factor, rounded to the
5 nearest \$100.00. The inflation adjustment factor is equal to the 3-
6 year average July-June Consumer Price Index for the immediately
7 preceding fiscal year, as determined by the department of treasury
8 using the Detroit Consumer Price Index. An inflation adjustment
9 factor must not be less than \$1.00.

10 (b) "Detroit Consumer Price Index" means the most
11 comprehensive index of consumer prices available for the Detroit
12 area from the Bureau of Labor Statistics of the United States
13 Department of Labor.

14 Sec. 21508. (1) An environmental protection regulatory fee is
15 imposed on all refined petroleum products sold for resale in this
16 state or consumption in this state. The regulatory fee ~~shall~~**must**
17 be charged for capacity utilization of refined petroleum
18 underground storage tanks measured on a per gallon basis. The
19 regulatory fee ~~shall~~**must** be charged against all refined petroleum
20 products sold for resale in this state or consumption in this state
21 so as to not exclude any products that may be stored in a refined
22 petroleum underground storage tank at any point after the petroleum
23 is refined. The regulatory fee ~~shall~~**must** be 1 cent per gallon for
24 each gallon of refined petroleum sold for resale in this state or
25 consumption in this state, with the per gallon charge being a
26 direct measure of capacity utilization of a refined petroleum
27 underground storage tank system. The regulatory fee ~~shall~~**must** not
28 be imposed on a bulk transfer of or a 2-party exchange involving
29 refined petroleum or refined petroleum products. **Beginning October**

1 1, 2023, and by October 1 each year thereafter, the department may
2 increase the regulatory fee described in this subsection by an
3 amount determined by multiplying the regulatory fee in effect
4 during the immediately preceding fiscal year by the inflation
5 adjustment factor, and rounding to the nearest whole dollar. The
6 inflation adjustment factor used under this subsection is equal to
7 the 3-year average July-June Consumer Price Index for the current
8 fiscal year divided by the 3-year average July-June Consumer Price
9 Index for the immediately preceding fiscal year, as determined by
10 the department of treasury using the Detroit Consumer Price Index.
11 An inflation adjustment factor used under this subsection must not
12 be less than \$1.00. As used in this subsection, "Detroit Consumer
13 Price Index" means the most comprehensive index of consumer prices
14 available for the Detroit area from the Bureau of Labor Statistics
15 of the United States Department of Labor.

16 (2) The department of treasury shall precollect regulatory
17 fees from persons ~~who~~**that** refine petroleum in this state for
18 resale in this state or consumption in this state and persons ~~who~~
19 **that** import refined petroleum into this state for resale in this
20 state or consumption in this state. The department of treasury
21 shall collect regulatory fees that can be collected at the same
22 time as the sales tax under section 6a of the general sales tax
23 act, 1933 PA 167, MCL 205.56a. The remainder of the regulatory fees
24 ~~shall~~**must** be collected in the manner determined by the state
25 treasurer.

26 (3) A public utility with more than 500,000 customers in this
27 state is exempt from any fee or assessment imposed under this part
28 if that fee or assessment is imposed on petroleum used by that
29 public utility for the generation of steam or electricity.

1 (4) All regulatory fees collected ~~pursuant to~~**under** this part
2 during each state fiscal year ~~shall~~**must** be deposited as follows:

3 (a) The first \$20,000,000.00 that is collected ~~shall~~**must** be
4 deposited into the fund.

5 (b) Following the deposit under subdivision (a), all money
6 collected ~~shall~~**must** be deposited into the refined petroleum fund.

7 (5) The department of treasury may audit, enforce, collect,
8 and assess the fee imposed by this part in the same manner and
9 subject to the same requirements as revenues collected ~~pursuant to~~
10 **under** 1941 PA 122, MCL 205.1 to 205.31.

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

17 (2) Except as provided in subsections (3) and (4) **and subject**
18 **to subsection (5), until October 1, 2025,** an application for a
19 permit must be accompanied by an application fee based on an
20 administrative cost in accordance with the following schedule:

21 (a) For an initial permit for a seasonal drawdown or
22 associated reflooding, or both, of a dam or impoundment for the
23 purpose of weed control that is issued for the first time after
24 October 9, 1995, a fee of \$500.00, but for subsequent permits for
25 the same purpose a fee of \$50.00.

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

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

1 (d) For construction or expansion of a marina, a fee as
2 follows:

3 (i) \$50.00 for an expansion of 1-10 marina 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 marina slips to an
7 existing permitted marina, plus \$10.00 for each marina slip over
8 50.

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

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

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

19 (i) Dredging of 10,000 cubic yards or more, unless the dredge
20 material is determined through testing to be 90% or more sand.

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

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

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

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

27 (vi) Shore projections, such as groins and underwater
28 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 (f) For the removal of submerged logs from bottomland of an
9 inland lake, a \$500.00 fee.

10 (g) For all other projects not listed in subdivisions (a) to
11 (f), a fee of \$500.00.

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

16 (a) Section 3104.

17 (b) Part 303.

18 (c) Part 323.

19 (d) Part 325.

20 (e) Section 117 of the land division act, 1967 PA 288, MCL
21 560.117.

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

27 **(5) Beginning October 1, 2023, and by October 1 each year**
28 **thereafter, the department may increase the application fees**
29 **described in subsection (2) by an amount determined by multiplying**

1 the application fee in effect during the immediately preceding
 2 fiscal year by the inflation adjustment factor, and rounding to the
 3 nearest whole dollar. The inflation adjustment factor used under
 4 this subsection is equal to the 3-year average July-June Consumer
 5 Price Index for the current fiscal year divided by the 3-year
 6 average July-June Consumer Price Index for the immediately
 7 preceding fiscal year, as determined by the department of treasury
 8 using the Detroit Consumer Price Index. An inflation adjustment
 9 factor used under this subsection must not be less than \$1.00. As
 10 used in this subsection, "Detroit Consumer Price Index" means the
 11 most comprehensive index of consumer prices available for the
 12 Detroit area from the Bureau of Labor Statistics of the United
 13 States Department of Labor.

14 (6) ~~(5)~~—If the department denies an application for a permit
 15 under this part, the department shall promptly refund the
 16 application fee paid under this section.

17 Sec. 30109. ~~Upon~~**On** the written request of a riparian owner
 18 and ~~upon~~ payment of a service fee, the department may enter into a
 19 written agreement with the riparian owner establishing the location
 20 of the ordinary high-water mark for ~~his or her~~**the owner's**
 21 property. In the absence of substantially changed conditions, the
 22 agreement is conclusive proof of the location in all matters
 23 between this state and the riparian owner and ~~his or her~~**the**
 24 **owner's** successors in interest. ~~Until October 1, 2025, the~~**The**
 25 service fee provided for in this section is \$500.00. The department
 26 shall forward service fees collected under this section to the
 27 state treasurer for deposit into the fund. **Beginning October 1,**
 28 **2023, and by October 1 each year thereafter, the department may**
 29 **increase the service fee described in this section by an amount**

1 determined by multiplying the service fee in effect during the
 2 immediately preceding fiscal year by the inflation adjustment
 3 factor, and rounding to the nearest whole dollar. The inflation
 4 adjustment factor used under this subsection is equal to the 3-year
 5 average July-June Consumer Price Index for the current fiscal year
 6 divided by the 3-year average July-June Consumer Price Index for
 7 the immediately preceding fiscal year, as determined by the
 8 department of treasury using the Detroit Consumer Price Index. An
 9 inflation adjustment factor used under this subsection must not be
 10 less than \$1.00. As used in this subsection, "Detroit Consumer
 11 Price Index" means the most comprehensive index of consumer prices
 12 available for the Detroit area from the Bureau of Labor Statistics
 13 of the United States Department of Labor.

14 Sec. 31509. (1) Except as otherwise provided in this part or
 15 as authorized by a permit issued by the department ~~pursuant to~~
 16 **under** part 13, a person shall not undertake any of the following
 17 activities:

- 18 (a) Construction of a new dam.
 - 19 (b) Enlargement of a dam or an impoundment.
 - 20 (c) Repair of a dam.
 - 21 (d) Alteration of a dam.
 - 22 (e) Removal of a dam.
 - 23 (f) Abandonment of a dam.
 - 24 (g) Reconstruction of a failed dam.
- 25 (2) An application for a permit ~~shall~~ **must** include information
 26 that the department determines is necessary for the administration
 27 of this part. If a project includes activities at multiple
 28 locations, 1 application may be filed for the combined activities.
- 29 (3) An application for a permit for construction of a new dam,

1 reconstruction of a failed dam, or enlargement of a dam ~~shall~~**must**
2 be accompanied by the following fees:

3 (a) For a dam with a height of 6 feet or more but less than 10
4 feet, \$500.00.

5 (b) For a dam with a height of 10 feet or more but less than
6 20 feet, \$1,000.00.

7 (c) For a dam with a height of 20 feet or more, \$3,000.00.

8 (4) An application for a permit for the repair, alteration,
9 removal, or abandonment of a dam ~~shall~~**must** be accompanied by a fee
10 of \$200.00, and an application for a permit for a minor project
11 ~~pursuant to~~**under** section 31513(1) ~~shall~~**must** be accompanied by a
12 fee of \$100.00.

13 (5) The department shall waive the fees under this section for
14 applications from state agencies, department sponsored projects
15 located on public lands, and organizations of the type described in
16 section ~~31508(2)(a) through (c)~~**31508(2)**.

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

20 (7) **Beginning October 1, 2023, and by October 1 each year**
21 **thereafter, the department may increase the fees described in**
22 **subsections (3) and (4) by an amount determined by multiplying the**
23 **fee in effect during the immediately preceding fiscal year by the**
24 **inflation adjustment factor, and rounding to the nearest whole**
25 **dollar. The inflation adjustment factor used under this subsection**
26 **is equal to the 3-year average July-June Consumer Price Index for**
27 **the current fiscal year divided by the 3-year average July-June**
28 **Consumer Price Index for the immediately preceding fiscal year, as**
29 **determined by the department of treasury using the Detroit Consumer**

1 **Price Index. An inflation adjustment factor used under this**
 2 **subsection must not be less than \$1.00. As used in this subsection,**
 3 **"Detroit Consumer Price Index" means the most comprehensive index**
 4 **of consumer prices available for the Detroit area from the Bureau**
 5 **of Labor Statistics of the United States Department of Labor.**

6 Sec. 32312. (1) To regulate the uses and development of high-
 7 risk areas, flood risk areas, and environmental areas and to
 8 implement the purposes of this part, the department shall
 9 promulgate rules. If permits are required under rules promulgated
 10 under this part, the permits must be issued ~~pursuant to~~**in**
 11 **accordance with** the rules and part 13. Except as provided under
 12 subsection (2), ~~until October 1, 2025,~~ if permits are required
 13 ~~pursuant to~~**under the** rules promulgated under this part, an
 14 application for a permit must be accompanied by a fee as follows:

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

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

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

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

25 (a) Part 301.

26 (b) Part 303.

27 (c) Part 325.

28 (d) Section 3104.

29 (e) Section 117 of the land division act, 1967 PA 288, MCL

1 560.117.

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

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

10 (5) **Beginning October 1, 2023, and by October 1 each year**
11 **thereafter, the department may increase the fees described in**
12 **subsection (1) by an amount determined by multiplying the fee in**
13 **effect during the immediately preceding fiscal year by the**
14 **inflation adjustment factor, and rounding to the nearest whole**
15 **dollar. The inflation adjustment factor used under this subsection**
16 **is equal to the 3-year average July-June Consumer Price Index for**
17 **the current fiscal year divided by the 3-year average July-June**
18 **Consumer Price Index for the immediately preceding fiscal year, as**
19 **determined by the department of treasury using the Detroit Consumer**
20 **Price Index. An inflation adjustment factor used under this**
21 **subsection must not be less than \$1.00. As used in this subsection,**
22 **"Detroit Consumer Price Index" means the most comprehensive index**
23 **of consumer prices available for the Detroit area from the Bureau**
24 **of Labor Statistics of the United States Department of Labor.**

25 Sec. 32513. (1) To obtain a permit for any activity specified
26 in section 32512, a person shall file an application with the
27 department on a form provided by the department. The application
28 must include all of the following:

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

1 (b) The legal description of the lands included in the
2 project.

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

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

7 (e) Other information required by the department.

8 (2) Except as provided in subsections (3) and (4), ~~until~~
9 ~~October 1, 2025,~~ an application for a permit under this section
10 must be accompanied by the following fee, as applicable:

11 (a) For a project in a category of activities for which a
12 general permit is issued under section 32512a(2), a fee of \$50.00.

13 (b) For activities included in a minor project category
14 established under section 32512a(1), a fee of \$100.00.

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

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

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

19 (iii) \$250.00 for an expansion of 11-50 marina slips to an
20 existing permitted marina, plus \$10.00 for each marina slip over
21 50.

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

24 (v) \$1,500.00 if an existing permitted marina proposes
25 maintenance dredging of 10,000 cubic yards or more, unless the
26 dredge material is determined through testing to be 90% or more
27 sand, or the addition of seawalls, bulkheads, or revetments of 500
28 feet or more.

29 (d) For major projects other than a project described in

1 subdivision (c) (v), involving any of the following, a fee of
2 \$2,000.00:

3 (i) Dredging of 10,000 cubic yards or more, unless the dredge
4 material is determined through testing to be 90% or more sand.

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

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

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

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

10 (vi) New breakwater or channel jetty.

11 (vii) Shore protection, such as groins and underwater
12 stabilizers, that extend 150 feet or more on Great Lakes
13 bottomlands.

14 (viii) New commercial dock or wharf of 300 feet or more in
15 length.

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

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

21 (a) Section 3104.

22 (b) Part 301.

23 (c) Part 303.

24 (d) Part 323.

25 (e) Section 117 of the land division act, 1967 PA 288, MCL
26 560.117.

27 (4) If work is done in violation of a permit requirement under
28 this part and restoration is not ordered by the department, the
29 department may accept an application for a permit if the

1 application is accompanied by a fee equal to 2 times the permit fee
2 otherwise required under this section.

3 (5) Beginning October 1, 2023, and by October 1 each year
4 thereafter, the department may increase the fees described in
5 subsection (2) by an amount determined by multiplying the fee in
6 effect during the immediately preceding fiscal year by the
7 inflation adjustment factor, and rounding to the nearest whole
8 dollar. The inflation adjustment factor used under this subsection
9 is equal to the 3-year average July-June Consumer Price Index for
10 the current fiscal year divided by the 3-year average July-June
11 Consumer Price Index for the immediately preceding fiscal year, as
12 determined by the department of treasury using the Detroit Consumer
13 Price Index. An inflation adjustment factor used under this
14 subsection must not be less than \$1.00. As used in this subsection,
15 "Detroit Consumer Price Index" means the most comprehensive index
16 of consumer prices available for the Detroit area from the Bureau
17 of Labor Statistics of the United States Department of Labor.

18 (6) ~~(5)~~—The department shall forward fees collected under this
19 section to the state treasurer for deposit into the land and water
20 management permit fee fund created in section 30113.

21 Sec. 32707. (1) Except as provided in subsections (2) and (3),
22 a person ~~who~~**that** is required to register under section 32705 or
23 holds a permit under section 32723 shall file a report annually
24 with the department on a form provided by the department. Reports
25 ~~shall~~**must** be submitted by April 1 of each year. Except as provided
26 in subsection (8), reports ~~shall~~**must** include the following
27 information:

28 (a) The amount and rate of water withdrawn on an annual and
29 monthly basis.

- 1 (b) The source or sources of the water supply.
- 2 (c) The use or uses of the water withdrawn.
- 3 (d) The amount of consumptive use of water withdrawn.
- 4 (e) If the source of the water withdrawn is groundwater, the
5 location of the well or wells in latitude and longitude, with the
6 accuracy of the reported location data to within 25 feet.
- 7 (f) If the source of water withdrawn is groundwater, the
8 static water level of the aquifer or aquifers, if practicable.
- 9 (g) Other information specified by rule of the department.
- 10 (h) At the discretion of the registrant or permit holder, the
11 baseline capacity of the withdrawal and, if applicable, a
12 description of the system capacity.
- 13 (i) At the discretion of the registrant or permit holder, the
14 amount of water returned to the source watershed.
- 15 (j) ~~Beginning in 2010, an~~ **An** acknowledgment that the
16 registrant has reviewed applicable environmentally sound and
17 economically feasible water conservation measures prepared under
18 section 32708a.
- 19 (2) If a person reports the information required by this
20 section to the department in conjunction with a permit or for any
21 other purpose, that reporting, ~~upon~~ **on** approval of the department,
22 satisfies the reporting requirements of this section.
- 23 (3) The owner of a farm ~~who~~ **that** reports water use under
24 section 32708 is not required to report under subsection (1).
- 25 (4) The department may, ~~upon~~ **on** request from a person required
26 to report under this section, accept a formula or model that
27 provides to the department's satisfaction the information required
28 in subsection (1).
- 29 (5) The department shall develop forms for reporting under

1 this section that minimize paperwork and allow for a notification
2 to the department instead of a report if the annual amount of water
3 withdrawn by a person required to report under this section is
4 within 4% of the amount last reported and the other information
5 required in subsection (1) has not changed since the last year in
6 which a report was filed.

7 (6) Information described in section ~~32701(d)(i)(B)~~
8 **32701(1)(d)(i)(B)** that is provided to the department under
9 subsection (1)(h) is exempt from disclosure under the freedom of
10 information act, 1976 PA 442, MCL 15.231 to 15.246, and ~~shall~~**must**
11 not be disclosed unless the department determines that the
12 withdrawal is causing an adverse resource impact.

13 (7) Except as otherwise provided in this subsection, a person
14 ~~who~~**that** files an annual report or notification under this section
15 shall annually remit a water use reporting fee of \$200.00 to the
16 department. Water use reporting fees ~~shall~~**must** be remitted to the
17 department in conjunction with the annual report or notification
18 submitted under this section. The department shall transmit water
19 use reporting fees collected under this section to the state
20 treasurer to be credited to the water use protection fund created
21 in section 32714. A water use reporting fee is not required for a
22 report or notification related to a farm that reports withdrawals
23 under section 32708 or for a report under subsection (8). **Beginning**
24 **October 1, 2023, and by October 1 each year thereafter, the**
25 **department may increase the water use reporting fee described in**
26 **this subsection by an amount determined by multiplying the water**
27 **use reporting fee in effect during the immediately preceding fiscal**
28 **year by the inflation adjustment factor, and rounding to the**
29 **nearest whole dollar. The inflation adjustment factor used under**

1 this subsection is equal to the 3-year average July-June Consumer
2 Price Index for the current fiscal year divided by the 3-year
3 average July-June Consumer Price Index for the immediately
4 preceding fiscal year, as determined by the department of treasury
5 using the Detroit Consumer Price Index. An inflation adjustment
6 factor used under this subsection must not be less than \$1.00. As
7 used in this subsection, "Detroit Consumer Price Index" means the
8 most comprehensive index of consumer prices available for the
9 Detroit area from the Bureau of Labor Statistics of the United
10 States Department of Labor..

11 (8) A person ~~who~~**that** withdraws less than 1,500,000 gallons of
12 water in any year shall indicate this fact on the reporting form
13 and is not required to provide information under subsection (1)(a)
14 or (d). A person ~~who~~**that** withdraws less than 1,500,000 gallons of
15 water in any year is not required to pay the water use reporting
16 fee under subsection (7).

17 Sec. 32723. (1) Except as provided in subsection (13), the
18 following persons shall obtain a water withdrawal permit ~~prior to~~
19 **before** making the withdrawal:

20 (a) A person ~~who~~**that** proposes to develop withdrawal capacity
21 to make a new withdrawal of more than 2,000,000 gallons of water
22 per day from the waters of the state to supply a common
23 distribution system.

24 (b) A person ~~who~~**that** proposes to develop increased withdrawal
25 capacity beyond baseline capacity of more than 2,000,000 gallons of
26 water per day from the waters of the state to supply a common
27 distribution system.

28 (c) A person ~~who~~**that** proposes to develop withdrawal capacity
29 to make a new or increased large quantity withdrawal of more than

1 1,000,000 gallons of water per day from the waters of the state to
2 supply a common distribution system that a site-specific review has
3 determined is a zone C withdrawal.

4 (d) A person ~~who~~**that** proposes to develop a new or increased
5 withdrawal capacity that will result in an intrabasin transfer of
6 more than 100,000 gallons per day average over any 90-day period.

7 (2) A person shall apply for a water withdrawal permit under
8 this section by submitting an application to the department
9 containing the information described in section ~~32706e(1)(a) to (e)~~
10 **32706(4)** and an evaluation of existing hydrological and
11 hydrogeological conditions. If the applicant proposes to undertake
12 a preventative measure along with the withdrawal, the property
13 owner shall provide the department with a detailed description of
14 the preventative measure and relevant information as to how the
15 preventative measure will be implemented. In addition, the
16 applicant shall submit an application fee in the amount of
17 \$2,000.00. The department shall transmit application fees collected
18 under this section to the state treasurer to be credited to the
19 water use protection fund created in section 32714. **Beginning**
20 **October 1, 2023, and by October 1 each year thereafter, the**
21 **department may increase the application fee described in this**
22 **subsection by an amount determined by multiplying the application**
23 **fee in effect during the immediately preceding fiscal year by the**
24 **inflation adjustment factor, and rounding to the nearest whole**
25 **dollar. The inflation adjustment factor used under this subsection**
26 **is equal to the 3-year average July-June Consumer Price Index for**
27 **the current fiscal year divided by the 3-year average July-June**
28 **Consumer Price Index for the immediately preceding fiscal year, as**
29 **determined by the department of treasury using the Detroit Consumer**

1 **Price Index. An inflation adjustment factor used under this**
2 **subsection must not be less than \$1.00. As used in this subsection,**
3 **"Detroit Consumer Price Index" means the most comprehensive index**
4 **of consumer prices available for the Detroit area from the Bureau**
5 **of Labor Statistics of the United States Department of Labor.**

6 (3) An application submitted under subsection (2) is
7 considered to be administratively complete effective 30 days after
8 it is received by the department unless the department notifies the
9 applicant, in writing, during this 30-day period that the
10 application is not administratively complete or that the fee
11 required to be accompanied with the application has not been paid.
12 If the department determines that the application is not
13 administratively complete, the notification shall specify the
14 information necessary to make the application administratively
15 complete. If the department notifies the applicant as provided in
16 this subsection, the 30-day period is tolled until the applicant
17 submits to the department the specified information or fee.

18 (4) The department shall provide public notification of its
19 receipt of applications under this section and ~~shall~~ provide a
20 public comment period of not less than 45 days before applications
21 are acted upon under subsection (5).

22 (5) The department shall make a decision whether to grant or
23 deny a water withdrawal permit under this section within 120 days
24 of receipt of an administratively complete application.

25 (6) The department shall issue a water withdrawal permit under
26 subsection (1) (a), (b), or (c) if all of the following conditions
27 are met:

28 (a) All water withdrawn, less any consumptive use, is
29 returned, either naturally or after use, to the source watershed.

1 (b) The withdrawal will be implemented so as to ensure that
2 the proposal will result in no individual or cumulative adverse
3 resource impacts. Cumulative adverse resource impacts under this
4 subdivision ~~shall~~**must** be evaluated by the department based ~~upon~~**on**
5 available information gathered by the department.

6 (c) Subject to section 32726, the withdrawal will be
7 implemented so as to ensure that it is in compliance with all
8 applicable local, state, and federal laws as well as all legally
9 binding regional interstate and international agreements, including
10 the boundary waters treaty of 1909.

11 (d) The proposed use is reasonable under common law principles
12 of water law in ~~Michigan~~**this state**.

13 (e) ~~For permit applications received on or after January 1,~~
14 ~~2009, the~~**The** applicant has self-certified that ~~he or she~~**the**
15 **applicant** is in compliance with environmentally sound and
16 economically feasible water conservation measures developed by the
17 applicable water user's sector under section 32708a or has self-
18 certified that ~~he or she~~**the applicant** is in compliance with
19 environmentally sound and economically feasible water conservation
20 measures developed for the water use associated with that specific
21 withdrawal.

22 (f) The department determines that the proposed withdrawal
23 will not violate public or private rights and limitations imposed
24 by ~~Michigan~~ water law or other ~~Michigan~~ common law duties **in this**
25 **state**.

26 (7) The department shall issue a water withdrawal permit under
27 subsection (1)(d) if the transfer complies with section 4.9 of the
28 compact.

29 (8) In reviewing a proposed preventative measure, the

1 department shall consider the effect of the preventative measure on
2 preventing an adverse resource impact by diminishing the effect of
3 the withdrawal on stream or river flow or the temperature regime of
4 the stream or river. If the department approves a preventative
5 measure in conjunction with a water withdrawal permit under this
6 section, the department shall enter into a legally enforceable
7 implementation schedule for completion of the preventative measure.

8 (9) A proposed use for which a water withdrawal permit is
9 issued under this section ~~shall be~~ **is** considered to satisfy the
10 requirements of section 4.11 of the compact.

11 (10) A permit issued under part 31 ~~pursuant to~~ **in accordance**
12 **with** 33 USC 1326(b) ~~shall~~ **must** be considered sufficient to
13 demonstrate that there will not be an adverse resource impact under
14 section 32721 and satisfies the conditions for a water withdrawal
15 permit under this section. ~~Upon~~ **On** receipt of an application under
16 this section and evidence that the applicant holds a part 31 permit
17 described in this subsection, the department shall grant the
18 applicant a water withdrawal permit under this subsection.

19 (11) The department may revoke a water withdrawal permit
20 issued under this section if the department determines following a
21 hearing, based ~~upon~~ **on** clear and convincing scientific evidence,
22 that the withdrawal is causing an adverse resource impact.

23 (12) A person ~~who~~ **that** is aggrieved by a determination of the
24 department under this section related to a water withdrawal permit
25 may file a sworn petition with the department setting forth the
26 grounds and reasons for the complaint and asking for a contested
27 case hearing on the matter ~~pursuant to~~ **in accordance with** the
28 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
29 24.328. A petition filed more than 60 days after action on the

1 water withdrawal permit may be rejected by the department as being
2 untimely. The department shall issue a final decision on a petition
3 for a contested case hearing within 6 months after receiving the
4 petition. A determination, action, or inaction by the department
5 following a contested case hearing is subject to judicial review as
6 provided in the administrative procedures act of 1969, 1969 PA 306,
7 MCL 24.201 to 24.328.

8 (13) The following withdrawals are not required to obtain a
9 water withdrawal permit under this section:

10 (a) A withdrawal by a community supply that holds a permit
11 under the safe drinking water act, 1976 PA 399, MCL 325.1001 to
12 325.1023.

13 (b) Seasonal withdrawals of not more than 2,000,000 gallons of
14 water per day average in any consecutive 90-day period to supply a
15 common distribution system unless the withdrawals result in a
16 diversion.

17 (c) A withdrawal for the production of bottled drinking water
18 approved by the department under a water source review conducted
19 under section 17 of the safe drinking water act, 1976 PA 399, MCL
20 325.1017.

21 Sec. 33911. (1) ~~Upon~~**On** application of a person that holds a
22 lease from this state of any portion or portions of the real
23 property described in this part, the department may execute and
24 deliver to the applicant a deed conveying all of the right, title,
25 and interest of this state in and to that real property, subject to
26 the paramount rights of hunting, fishing, and navigation, which
27 remain in the general public and in the government as recognized by
28 law. The deeds ~~shall~~**must** contain the same provisions as to use and
29 occupancy now set forth in all the leases previously granted under

1 former 1913 PA 326 or under this part. The department shall not
2 grant a deed under this part unless the lessee of the subject
3 property agrees to cancel the lease and relinquishes all rights
4 under the lease.

5 (2) The department shall not grant a deed under this part for
6 a lot that contains a structure unless the structure and the lot
7 subject to the deed, including seawalls where present, comply with
8 the applicable township building code and county and state
9 sanitation codes and part 325, and the structure is located on a
10 parcel of land that is adequately protected from erosion.

11 (3) A deed granted under this part ~~shall~~**must** not include a
12 portion of the original lease that is submerged or lies below the
13 elevation of 575.3 International Great Lakes Datum (IGLD 1985). The
14 department of ~~environmental quality~~**environment, Great Lakes, and**
15 **energy** shall perform a site inspection and set stakes, if
16 necessary, to identify the boundaries of the area of the leased lot
17 to be deeded. The applicant shall provide a boundary survey,
18 completed by a professional surveyor, that delineates the area of
19 the real property to be deeded. The state shall retain proprietary
20 ownership in trust over the portion of the leased lot below the
21 ordinary high-water mark of Lake St. Clair at the time of the
22 conveyance.

23 (4) A deed ~~shall~~**must** not be granted under this part at less
24 than the estimated land value of the real property as determined by
25 the township in which the real property is located. Appraisal
26 procedures and practices may include utilizing independent fee
27 appraisal contractors. The appraisal ~~shall~~**must** not include
28 improvements such as buildings, seawalls, and docks. Credit ~~shall~~
29 **must** not be granted to the lessee for the years remaining on an

1 unexpired lease when determining the sale value to the state. The
2 applicant shall remit the full consideration within 1 year after
3 being notified in writing of the selling price by the department.
4 If the applicant does not remit the full consideration for the deed
5 within 1 year, the department shall close the file and a new
6 application must be submitted.

7 (5) If the applicant is not satisfied with the fair market
8 value determined by the department under subsection (4), the
9 applicant, within 30 days after receiving the determination, may
10 submit a petition in writing to the circuit court in the thirty-
11 first judicial circuit, and the court shall appoint an appraiser or
12 appraisers from the department's approved listing to conduct an
13 appraisal of the parcel. The decision of the court is final. The
14 applicant shall pay all costs associated with this additional
15 appraisal.

16 (6) A request for a deed ~~shall~~**must** be on a form provided by
17 the department of ~~environmental quality~~**environment, Great Lakes,**
18 **and energy** and ~~shall~~ be accompanied by an application fee of
19 \$500.00. **Beginning October 1, 2023, and by October 1 each year**
20 **thereafter, the department may increase the fee described in this**
21 **subsection by an amount determined by multiplying the fee in effect**
22 **during the immediately preceding fiscal year by the inflation**
23 **adjustment factor, and rounding to the nearest whole dollar. The**
24 **inflation adjustment factor used under this subsection is equal to**
25 **the 3-year average July-June Consumer Price Index for the current**
26 **fiscal year divided by the 3-year average July-June Consumer Price**
27 **Index for the immediately preceding fiscal year, as determined by**
28 **the department of treasury using the Detroit Consumer Price Index.**
29 **An inflation adjustment factor used under this subsection must not**

1 be less than \$1.00. As used in this subsection, "Detroit Consumer
2 Price Index" means the most comprehensive index of consumer prices
3 available for the Detroit area from the Bureau of Labor Statistics
4 of the United States Department of Labor.

5 Sec. 33929. (1) Each sale or transfer of a lease ~~shall~~**must**
6 contain a specific statement of the purpose for which the property
7 leased is to be used by the purchaser or assignee. A sale or
8 transfer of a lease for other than club or residence purposes is
9 not valid unless and until the sale or transfer is approved by the
10 department of ~~environmental quality~~**environment, Great Lakes, and**
11 **energy**.

12 (2) Before selling or transferring a property that is subject
13 to a lease under this part, the parties involved shall apply to the
14 department of ~~environmental quality~~**environment, Great Lakes, and**
15 **energy** for approval of the transfer of the lease to the purchaser.
16 The application ~~shall~~**must** be made on a form provided by the
17 department of ~~environmental quality~~**environment, Great Lakes, and**
18 **energy** and ~~shall~~ be accompanied by a fee of \$250.00. ~~Upon~~**On**
19 approval by the department of ~~environmental quality~~**environment,**
20 **Great Lakes, and energy**, an assignment of lease form ~~shall~~**must** be
21 recorded with the county register of deeds. **Beginning October 1,**
22 **2023, and by October 1 each year thereafter, the department may**
23 **increase the fee described in this subsection by an amount**
24 **determined by multiplying the fee in effect during the immediately**
25 **preceding fiscal year by the inflation adjustment factor, and**
26 **rounding to the nearest whole dollar. The inflation adjustment**
27 **factor used under this subsection is equal to the 3-year average**
28 **July-June Consumer Price Index for the current fiscal year divided**
29 **by the 3-year average July-June Consumer Price Index for the**

1 immediately preceding fiscal year, as determined by the department
2 of treasury using the Detroit Consumer Price Index. An inflation
3 adjustment factor used under this subsection must not be less than
4 \$1.00. As used in this subsection, "Detroit Consumer Price Index"
5 means the most comprehensive index of consumer prices available for
6 the Detroit area from the Bureau of Labor Statistics of the United
7 States Department of Labor.

8 Sec. 61525. (1) A person shall not drill or begin the drilling
9 of any well for oil or gas, for secondary recovery, or a well for
10 the disposal of salt water, or brine produced in association with
11 oil or gas operations or other oil field wastes, or wells for the
12 development of reservoirs for the storage of liquid or gaseous
13 hydrocarbons, except as authorized by a permit to drill and operate
14 the well issued by the supervisor of wells ~~pursuant to~~ **under** part
15 13 and unless the person files with the supervisor a bond as
16 provided in section 61506. The permittee shall post the permit in a
17 conspicuous place at the location of the well as provided in the
18 rules and requirements or orders issued or promulgated by the
19 supervisor. An application for a permit ~~shall~~ **must** be accompanied
20 by a fee of \$300.00. A permit to drill and operate ~~shall~~ **must** not
21 be issued to an owner or ~~his or her~~ **the owner's** authorized
22 representative who does not comply with the rules and requirements
23 or orders issued or promulgated by the supervisor. A permit ~~shall~~
24 **must** not be issued to an owner or ~~his or her~~ **the owner's** authorized
25 representative who has not complied with or is in violation of this
26 part or any of the rules, requirements, or orders issued or
27 promulgated by the supervisor or the department.

28 (2) The supervisor shall forward all fees received under this
29 section to the state treasurer for deposit in the fund.

1 (3) The supervisor shall make available to any person, ~~upon~~**on**
2 request, not less often than weekly, the following information
3 pertaining to applications for permits to drill and operate:

4 (a) Name and address of the applicant.

5 (b) Location of proposed well.

6 (c) Well name and number.

7 (d) Proposed depth of the well.

8 (e) Proposed formation.

9 (f) Surface owner.

10 (g) Whether hydrogen sulfide gas is expected.

11 (4) The supervisor shall provide the information under
12 subsection (3) to the county in which an oil or gas well is
13 proposed to be located and to the city, village, or township in
14 which the oil or gas well is proposed to be located if that city,
15 village, or township has a population of 70,000 or more. A city,
16 village, township, or county in which an oil or gas well is
17 proposed to be located may provide written comments and
18 recommendations to the supervisor pertaining to applications for
19 permits to drill and operate. The supervisor shall consider all
20 such comments and recommendations in reviewing the application.

21 **(5) Beginning October 1, 2023, and by October 1 each year**
22 **thereafter, the department may increase the fee described in**
23 **subsection (1) by an amount determined by multiplying the fee in**
24 **effect during the immediately preceding fiscal year by the**
25 **inflation adjustment factor, and rounding to the nearest whole**
26 **dollar. The inflation adjustment factor used under this subsection**
27 **is equal to the 3-year average July-June Consumer Price Index for**
28 **the current fiscal year divided by the 3-year average July-June**
29 **Consumer Price Index for the immediately preceding fiscal year, as**

1 determined by the department of treasury using the Detroit Consumer
2 Price Index. An inflation adjustment factor used under this
3 subsection must not be less than \$1.00. As used in this subsection,
4 "Detroit Consumer Price Index" means the most comprehensive index
5 of consumer prices available for the Detroit area from the Bureau
6 of Labor Statistics of the United States Department of Labor.

7 Sec. 61525a. (1) The owner or operator of a well used for
8 injection, withdrawal, or observation related to the storage of
9 natural gas or liquefied petroleum gas that has been used for its
10 permitted purpose at any time during the calendar year immediately
11 ~~prior to~~ **before** the time the fee is due is subject to a \$20.00
12 annual well regulatory fee. The owner or operator of a well
13 described in this section shall file an annual report by January 31
14 of each year stating the number of wells used for injection,
15 withdrawal, or observation related to the storage of natural gas or
16 liquefied petroleum gas that has been utilized for its permitted
17 purpose during the previous calendar year. The report ~~shall~~ **must**
18 include a list of wells identified by permit number, permit name,
19 and gas storage field name on a form provided by the supervisor, or
20 such other form which may be acceptable to the supervisor. The
21 annual well regulatory fee described in this section is due not
22 more than 30 days after the supervisor sends notice to the owner or
23 operator of the amount due. The supervisor shall forward all fees
24 collected under this section to the state treasurer for deposit
25 into the fund.

26 (2) **Beginning October 1, 2023, and by October 1 each year**
27 **thereafter, the department may increase the fee described in**
28 **subsection (1) by an amount determined by multiplying the fee in**
29 **effect during the immediately preceding fiscal year by the**

1 inflation adjustment factor, and rounding to the nearest whole
2 dollar. The inflation adjustment factor used under this subsection
3 is equal to the 3-year average July-June Consumer Price Index for
4 the current fiscal year divided by the 3-year average July-June
5 Consumer Price Index for the immediately preceding fiscal year, as
6 determined by the department of treasury using the Detroit Consumer
7 Price Index. An inflation adjustment factor used under this
8 subsection must not be less than \$1.00. As used in this subsection,
9 "Detroit Consumer Price Index" means the most comprehensive index
10 of consumer prices available for the Detroit area from the Bureau
11 of Labor Statistics of the United States Department of Labor.

12 Sec. 62509. (1) A person shall not drill or begin the drilling
13 of any brine, storage, or waste disposal well, or convert any well
14 for these uses, and except as authorized by a permit issued by the
15 supervisor of mineral wells ~~pursuant to~~ **under** part 13 and rules
16 promulgated by the supervisor of mineral wells, and unless the
17 person files with the supervisor of mineral wells an approved
18 surety or security bond. The application ~~shall~~ **must** be accompanied
19 by a survey of the well site. The department shall conduct an
20 investigation and inspection before the supervisor of mineral wells
21 issues a permit. A permit ~~shall~~ **must** not be issued to any owner or
22 ~~his or her~~ **the owner's** authorized representative who does not
23 comply with the rules of the supervisor of mineral wells or who is
24 in violation of this part or any rule of the supervisor of mineral
25 wells. ~~Upon~~ **On** completion of the drilling or converting of a well
26 for storage or waste disposal and after necessary testing by the
27 owner to determine that the well can be used for these purposes and
28 in a manner that will not cause surface or underground waste, the
29 supervisor of mineral wells, ~~upon~~ **on** receipt of appropriate

1 evidence, shall approve and regulate the use of the well for
2 storage or waste disposal. These operations ~~shall~~**must** be pursuant
3 ~~to~~**in accordance with** part 31. The supervisor of mineral wells may
4 schedule a public hearing to consider the need or advisability of
5 permitting the drilling or operating of a storage or waste disposal
6 well, or converting a well for these uses, if the public safety or
7 other interests are involved.

8 (2) A person shall not drill a test well 50 feet or greater in
9 depth into the bedrock or below the deepest freshwater strata,
10 except as provided in section 62508(c), except as authorized by a
11 permit issued by the supervisor of mineral wells ~~pursuant to~~**under**
12 part 13 and rules promulgated by the supervisor of mineral wells,
13 and unless the person files with the supervisor of mineral wells an
14 approved surety or security bond. The application ~~shall~~**must** be
15 accompanied by the fee provided in subsection (6). The department
16 shall conduct an investigation and inspection before the supervisor
17 of mineral wells issues a permit. A permit ~~shall~~**must** not be issued
18 to any owner or ~~his or her~~**the owner's** authorized representative
19 who does not comply with the rules of the supervisor of mineral
20 wells or who is in violation of this part or any rule of the
21 supervisor of mineral wells. A test well that penetrates below the
22 deepest freshwater stratum or is greater than 250 feet in depth is
23 subject to an individual test well permit. A test well that does
24 not penetrate below the deepest freshwater stratum and is 250 feet
25 or less in depth is subject to a blanket test well permit. This
26 subsection does not apply to a test well regulated under part 111
27 or part 115, or a water well regulated under part 127 of the public
28 health code, 1978 PA 368, MCL 333.12701 to 333.12771.

29 (3) A permit is not required to drill a test well in those

1 areas of the state where rocks of Precambrian age directly underlie
2 unconsolidated surface deposits or in those areas that have been
3 designated pursuant to section 62508(c). However, within 2 years
4 after completion of the drilling of the well, the owner shall
5 advise the supervisor of mineral wells of the location of the well
6 and file with the supervisor of mineral wells the log required
7 under section 62508(d). The provisions of this part pertaining to
8 the prevention and correction of surface and underground waste have
9 the same application to these test wells as to other wells defined
10 in this part.

11 (4) ~~Upon~~**On** request, the supervisor of mineral wells may issue
12 to qualified persons a blanket permit to drill within a county test
13 wells ~~which~~**that** will not penetrate below the deepest freshwater
14 stratum and are 250 feet or less in depth.

15 (5) All information and records pertaining to the application
16 for and issuance of permits for wells subject to this part ~~shall~~
17 **must** be held confidential in the same manner as provided for logs
18 and reports on these wells.

19 (6) A permit application submitted under this section ~~shall~~
20 **must** be accompanied by the following permit application fee:

- 21 (a) Disposal well for disposal of waste
- 22 products other than processed brine..... \$ 2,500.00.
- 23 (b) Disposal well for disposal of
- 24 processed brine..... \$ 500.00.
- 25 (c) Storage well..... \$ 500.00.
- 26 (d) Natural brine production well..... \$ 500.00.
- 27 (e) Artificial brine production well..... \$ 500.00.
- 28 (f) Individual test well under
- 29 subsection (2)..... \$ 500.00.

1 (g) Blanket permit for test wells drilled pursuant to
2 subsection (4):

- 3 (i) 1 to 24 wells..... \$ 75.00.
- 4 (ii) 25 to 49 wells..... \$ 150.00.
- 5 (iii) 50 to 75 wells..... \$ 300.00.
- 6 (iv) 75 to 200 wells..... \$ 600.00.

7 (7) The supervisor of mineral wells shall deposit all permit
8 application fees collected under this section into the fund.

9 (8) **Beginning October 1, 2023, and by October 1 each year**
10 **thereafter, the department may increase the permit application fees**
11 **described in subsection (6) by an amount determined by multiplying**
12 **the permit application fee in effect during the immediately**
13 **preceding fiscal year by the inflation adjustment factor, and**
14 **rounding to the nearest whole dollar. The inflation adjustment**
15 **factor used under this subsection is equal to the 3-year average**
16 **July-June Consumer Price Index for the current fiscal year divided**
17 **by the 3-year average July-June Consumer Price Index for the**
18 **immediately preceding fiscal year, as determined by the department**
19 **of treasury using the Detroit Consumer Price Index. An inflation**
20 **adjustment factor used under this subsection must not be less than**
21 **\$1.00. As used in this subsection, "Detroit Consumer Price Index"**
22 **means the most comprehensive index of consumer prices available for**
23 **the Detroit area from the Bureau of Labor Statistics of the United**
24 **States Department of Labor.**

25 Sec. 62509a. (1) The owner or operator of a well regulated
26 under this part is subject to the following annual mineral well
27 regulatory fee. The **regulatory** fee ~~shall~~**must** apply to any mineral
28 well that is usable for its permitted purpose, or has not been
29 properly plugged in accordance with the requirements of this part

1 and rules promulgated under this part, at the time the fee is due:

- 2 (a) For a disposal well for disposal of waste
- 3 products other than processed brine..... \$ 2,500.00
- 4 (b) For a disposal well for disposal or processed
- 5 brine..... \$ 500.00
- 6 (c) For a storage well..... \$ 500.00
- 7 (d) For a natural brine production well..... \$ 500.00
- 8 (e) For an artificial brine production well.. \$ 500.00
- 9 (f) For an individual test well..... \$ 500.00
- 10 (g) For a blanket permit for test wells:
- 11 (i) 1 to 24 wells..... \$ 75.00
- 12 (ii) 25 to 49 wells..... \$ 150.00
- 13 (iii) 50 to 75 wells..... \$ 300.00
- 14 (iv) 75 to 200 wells..... \$ 600.00

15 (2) Mineral well regulatory fees ~~shall~~**must** be submitted to
16 the department in the manner required by the department along with
17 any documentation required by the department.

18 (3) The department shall forward all mineral well regulatory
19 fees collected under this section to the state treasury for deposit
20 in the fund.

21 **(4) Beginning October 1, 2023, and by October 1 each year**
22 **thereafter, the department may increase the mineral well regulatory**
23 **fees described in subsection (1) by an amount determined by**
24 **multiplying the mineral well regulatory fee in effect during the**
25 **immediately preceding fiscal year by the inflation adjustment**
26 **factor, and rounding to the nearest whole dollar. The inflation**
27 **adjustment factor used under this subsection is equal to the 3-year**
28 **average July-June Consumer Price Index for the current fiscal year**
29 **divided by the 3-year average July-June Consumer Price Index for**

1 the immediately preceding fiscal year, as determined by the
2 department of treasury using the Detroit Consumer Price Index. An
3 inflation adjustment factor used under this subsection must not be
4 less than \$1.00. As used in this subsection, "Detroit Consumer
5 Price Index" means the most comprehensive index of consumer prices
6 available for the Detroit area from the Bureau of Labor Statistics
7 of the United States Department of Labor.

8 Sec. 63103d. (1) For purposes of surveillance, monitoring,
9 administration, and enforcement of this part, a ferrous mineral
10 operator shall be assessed a ferrous mineral surveillance fee on
11 the ferrous product produced for the calendar year reported as
12 described in subsection (2). The **ferrous mineral surveillance** fee
13 ~~shall must~~ be assessed ~~upon on~~ ferrous product. ~~and shall not be~~
14 ~~more than 1 cent per metric ton.~~ Funds collected by the assessment
15 of the ferrous mineral surveillance fee ~~shall must~~ not exceed the
16 actual costs to the department of implementing the sections of this
17 part that pertain to ferrous mineral mining. ~~Surveillance~~ **Ferrous**
18 **mineral surveillance** fees collected under this section ~~shall must~~
19 be forwarded to the state treasurer for deposit in the ferrous
20 mineral surveillance fund created in section 63103e. **Beginning**
21 **October 1, 2023, and by October 1 each year thereafter, the**
22 **department may increase the ferrous mineral surveillance fee**
23 **described in this subsection by an amount determined by multiplying**
24 **the ferrous mineral surveillance fee in effect during the**
25 **immediately preceding fiscal year by the inflation adjustment**
26 **factor, and rounding to the nearest whole dollar. The inflation**
27 **adjustment factor used under this subsection is equal to the 3-year**
28 **average July-June Consumer Price Index for the current fiscal year**
29 **divided by the 3-year average July-June Consumer Price Index for**

1 the immediately preceding fiscal year, as determined by the
2 department of treasury using the Detroit Consumer Price Index. An
3 inflation adjustment factor used under this subsection must not be
4 less than \$1.00. As used in this subsection, "Detroit Consumer
5 Price Index" means the most comprehensive index of consumer prices
6 available for the Detroit area from the Bureau of Labor Statistics
7 of the United States Department of Labor.

8 (2) A ferrous mineral operator shall file an annual report of
9 production on or before February 15 of each year. The report ~~shall~~
10 **must** contain the annual production of ferrous product from each
11 ferrous mineral mine.

12 (3) The ferrous mineral surveillance fee described in
13 subsection (1) is due 30 days after the department sends written
14 notice to the ferrous mineral operator of the amount due.

15 (4) Failure to submit an annual report of production in
16 compliance with rules promulgated by the department constitutes
17 grounds for revocation of a permit.

18 (5) A penalty equal to 10% of the amount due, or \$1,000.00,
19 whichever is greater, ~~shall~~**will** be assessed against the ferrous
20 mineral operator for a fee that is not paid when due. An unpaid fee
21 and penalty constitute a debt and the basis of a judgment against
22 the operator. Penalties paid ~~pursuant to~~**under** this section ~~shall~~
23 **must** be used for the implementation, administration, and
24 enforcement of this part.

25 (6) Records ~~upon~~**on** which the annual report of production is
26 based ~~shall~~**must** be preserved for 3 years and are subject to audit
27 by the department.

28 Sec. 63205. (1) A person shall not engage in the mining of
29 nonferrous metallic minerals except as authorized in a mining

1 permit issued by the department.

2 (2) An application for a mining permit ~~shall~~**must** be submitted
3 to the department in a format to be developed by the department.
4 The application ~~shall~~**must** be accompanied by all of the following:

5 (a) A permit application fee of \$5,000.00. The department
6 shall forward all permit application fees received under this
7 section to the state treasurer for deposit in the fund. **Beginning**
8 **October 1, 2023, and by October 1 each year thereafter, the**
9 **department may increase the permit application fee described in**
10 **this subdivision by an amount determined by multiplying the permit**
11 **application fee in effect during the immediately preceding fiscal**
12 **year by the inflation adjustment factor, and rounding to the**
13 **nearest whole dollar. The inflation adjustment factor used under**
14 **this subsection is equal to the 3-year average July-June Consumer**
15 **Price Index for the current fiscal year divided by the 3-year**
16 **average July-June Consumer Price Index for the immediately**
17 **preceding fiscal year, as determined by the department of treasury**
18 **using the Detroit Consumer Price Index. An inflation adjustment**
19 **factor used under this subsection must not be less than \$1.00. As**
20 **used in this subdivision, "Detroit Consumer Price Index" means the**
21 **most comprehensive index of consumer prices available for the**
22 **Detroit area from the Bureau of Labor Statistics of the United**
23 **States Department of Labor.**

24 (b) An environmental impact assessment for the proposed mining
25 operation that describes the natural and human-made features,
26 including, but not limited to, flora, fauna, hydrology, geology,
27 and geochemistry, and baseline conditions in the proposed mining
28 area and the affected area that may be impacted by the mining, and
29 the potential impacts on those features from the proposed mining

1 operation. The environmental impact assessment ~~shall~~**must** define
2 the affected area and ~~shall~~ address feasible and prudent
3 alternatives.

4 (c) A mining, reclamation, and environmental protection plan
5 for the proposed mining operation, including beneficiation
6 operations, that will reasonably minimize the actual and potential
7 adverse impacts on natural resources, the environment, and public
8 health and safety within the mining area and the affected area. The
9 plan ~~shall~~**must** address the unique issues associated with
10 nonferrous metallic mining and shall include all of the following:

11 (i) A description of materials, methods, and techniques that
12 will be utilized.

13 (ii) Information that demonstrates that all methods, materials,
14 and techniques proposed to be utilized are capable of accomplishing
15 their stated objectives in protecting the environment and public
16 health, except that such information may not be required for
17 methods, materials, and techniques that are widely used in mining
18 or other industries and are generally accepted as effective. The
19 required information may consist of results of actual testing,
20 modeling, documentation by credible independent testing and
21 certification organizations, or documented applications in similar
22 uses and settings.

23 (iii) Plans and schedules for interim and final reclamation of
24 the mining area following cessation of mining operations.

25 (iv) A description of the geochemistry of the ore, waste rock,
26 overburden, peripheral rock, and tailings, including
27 characterization of leachability and reactivity.

28 (v) Provisions for the prevention, control, and monitoring of
29 acid-forming waste products and other waste products from the

1 mining process so as to prevent leaching into groundwater or runoff
2 into surface water.

3 (d) A contingency plan that includes an assessment of the risk
4 to the environment or public health and safety associated with
5 potential significant incidents or failures and describes the
6 operator's notification and response plans. When the application is
7 submitted to the department, the applicant shall provide a copy of
8 the contingency plan to each emergency management coordinator
9 having jurisdiction over the affected area.

10 (e) Financial assurance as described in section 63211.

11 (f) A list of other state and federal permits that are
12 anticipated to be required.

13 (3) The applicant has the burden of establishing that the
14 terms and conditions set forth in the permit application; mining,
15 reclamation, and environmental protection plan; and environmental
16 impact assessment will result in a mining operation that reasonably
17 minimizes actual or potential adverse impacts on air, water, and
18 other natural resources and meets the requirements of this act.

19 (4) Effective 14 days after the department receives an
20 application for a mining permit, the application ~~shall~~**must** be
21 considered to be administratively complete unless the department
22 proceeds as provided under subsection (5).

23 (5) If, before the expiration of the 14-day period under
24 subsection (4), the department notifies the applicant that the
25 application is not administratively complete, specifying the
26 information necessary to make the application administratively
27 complete, or notifies the applicant that the fee required to
28 accompany the application has not been paid, specifying the amount
29 due, the running of the 14-day period under subsection (4) is

1 tolled until the applicant submits to the department the specified
2 information or fee amount due. The notice ~~shall~~**must** be given in
3 writing or electronically.

4 (6) Within 42 days after an application for a mining permit is
5 determined to be administratively complete, the department shall
6 hold a public meeting on the application. The department shall give
7 notice of the public meeting not less than 14 or more than 28 days
8 before the date of the public meeting. The notice ~~shall~~**must**
9 specify the time and place of the public meeting, ~~which shall~~**must**
10 be held in the county where the proposed mining operation is
11 located, and ~~shall~~**must** include information on how to review a copy
12 of the application. The notice ~~shall~~**must** be given in writing to
13 the city, village, or township and the county where the proposed
14 mining operation is to be located and to all affected federally
15 recognized Indian tribes in this state. The notice ~~shall~~**must** also
16 be given by publication in a newspaper of local distribution in the
17 area where the proposed mining operation is to be located.

18 (7) The department shall accept written public comment on the
19 permit application for 28 days following the public meeting under
20 subsection (6). Within 28 days after the expiration of the public
21 comment period, the department shall reach a proposed decision to
22 grant or deny a mining permit and shall establish a time and place
23 for a public hearing on the proposed decision. The department shall
24 give notice of the public hearing not less than 14 or more than 28
25 days before the date of the public hearing. The notice ~~shall~~**must**
26 be given in writing to the city, village, or township and the
27 county where the proposed mining operation is to be located and to
28 all affected federally recognized Indian tribes in this state. The
29 notice ~~shall~~**must** also be given by publication in a newspaper of

1 local distribution in the area where the proposed mining operation
2 is to be located. The notice ~~shall~~**must** contain all of the
3 following:

4 (a) A summary of the permit application.

5 (b) Information on how to review a complete copy of the
6 application. The application ~~shall~~**must** be made available at a
7 public location in the area.

8 (c) A listing of other permits and hearings that are pending
9 or anticipated under this act with respect to the proposed mining
10 operation.

11 (d) The time and place of the public hearing, which ~~shall~~**must**
12 be held in the area where the proposed mining operation is located.

13 (8) The department shall accept written public comment on the
14 proposed decision to grant or deny a mining permit for 28 days
15 following the public hearing. At the expiration of the public
16 comment period, the department shall issue a report summarizing all
17 comments received and providing the department's response to the
18 comments.

19 (9) Within 28 days after the expiration of the public comment
20 period under subsection (8), the department shall grant or deny the
21 mining permit application in writing. A determination that an
22 application is administratively complete does not preclude the
23 department from requiring additional information from the
24 applicant. The 28-day period under this subsection ~~shall~~**must** be
25 tolled until ~~such time as~~ the applicant submits the requested
26 information. If a mining permit is denied, the reasons ~~shall~~**must**
27 be stated in a written report to the applicant.

28 (10) A mining permit ~~shall~~**must** not be issued or transferred
29 to a person if the department has determined that person to be in

1 violation of this part, rules promulgated under this part, the
2 permit, or an order of the department under this part, unless the
3 person has corrected the violation or ~~the person~~ has agreed in
4 writing to correct the violation pursuant to a compliance schedule
5 approved by the department.

6 (11) Subject to subsection (10), the department shall approve
7 a mining permit if it determines both of the following:

8 (a) The permit application meets the requirements of this
9 part.

10 (b) The proposed mining operation will not pollute, impair, or
11 destroy the air, water, or other natural resources or the public
12 trust in those resources, in accordance with part 17. ~~of this act.~~
13 In making this determination, the department shall take into
14 account the extent to which other permit determinations afford
15 protection to natural resources. For the purposes of this
16 subsection, excavation and removal of nonferrous metallic minerals
17 and of associated overburden and waste rock, in and of itself, does
18 not constitute pollution, impairment, or destruction of those
19 natural resources.

20 (12) The department shall deny a mining permit if it
21 determines the requirements of subsection (11) have not been met.

22 (13) Terms and conditions that are set forth in the permit
23 application and the mining, reclamation, and environmental
24 protection plan and that are approved by the department ~~shall~~ **must**
25 be incorporated in and become a part of the mining permit.

26 (14) A mining permit is not effective until all other permits
27 required under this act for the proposed mining operation are
28 obtained.

29 (15) If a person submits an application for a mining permit

1 and 1 or more other permits under this act with respect to a
2 particular mining operation, the department may process the
3 applications in a coordinated fashion to the extent feasible given
4 procedural requirements applicable to individual permits. The
5 coordinated permit process may include consolidating public
6 hearings under this part with public hearings required under other
7 parts of this act. Any notice of a consolidated public hearing
8 ~~shall~~**must** state clearly which permits are to be considered at the
9 public hearing. An applicant may waive any required timelines under
10 subsections (4) to (9) to facilitate the coordination.

11 Sec. 63215. (1) For purposes of surveillance, monitoring,
12 administration, and enforcement of this part, the department shall
13 assess a permittee a nonferrous metallic mineral surveillance fee
14 of not more than 5 cents per ton of material mined from the mining
15 area as reported under section 63213(1)(d), but not less than
16 \$5,000.00, for each calendar year the mine is in operation and
17 during the postclosure monitoring period. ~~Surveillance-Nonferrous~~
18 **metallic mineral surveillance** fees collected under this section
19 ~~shall~~**must** be forwarded to the state treasurer for deposit in the
20 nonferrous metallic mineral surveillance fund created in section
21 63217. ~~The~~**Subject to subsection (5), the** surveillance fee rate
22 ~~shall~~**must** be calculated each year as follows:

23 (a) The department shall determine the total tons of material
24 mined from mining areas in this state in the prior calendar year.

25 (b) The department shall calculate the adjusted appropriation
26 by deducting any unexpended money in the fund at the close of the
27 prior fiscal year from the amount appropriated for the current
28 fiscal year for surveillance, monitoring, administration, and
29 enforcement of this part.

1 (c) The fee rate ~~shall~~**must** be the ratio, to the nearest 1/100
2 of 1%, of the adjusted appropriation to the total tons of material
3 mined.

4 (2) The nonferrous metallic mineral surveillance fee described
5 in subsection (1) is due by 30 days after the department sends
6 written notice to the permittee of the amount due.

7 (3) A penalty equal to 10% of the amount due, or \$1,000.00,
8 whichever is greater, ~~shall~~**must** be assessed against the permittee
9 for a metallic mineral surveillance fee that is not paid when due.
10 The department may file an action in the circuit court for Ingham
11 county to collect the unpaid fee and penalty. The unpaid fee and
12 penalty ~~shall~~ constitute a debt and become the basis of a judgment
13 against the permittee.

14 (4) Penalties paid ~~pursuant to~~**under** this section ~~shall~~**must**
15 be used for the implementation, administration, and enforcement of
16 this part.

17 (5) **Beginning October 1, 2023, and by October 1 each year**
18 **thereafter, the department may increase the nonferrous metallic**
19 **mineral surveillance fee described in subsection (1) by an amount**
20 **determined by multiplying the nonferrous metallic mineral**
21 **surveillance fee in effect during the immediately preceding fiscal**
22 **year by the inflation adjustment factor, and rounding to the**
23 **nearest whole dollar. The inflation adjustment factor used under**
24 **this subsection is equal to the 3-year average July-June Consumer**
25 **Price Index for the current fiscal year divided by the 3-year**
26 **average July-June Consumer Price Index for the immediately**
27 **preceding fiscal year, as determined by the department of treasury**
28 **using the Detroit Consumer Price Index. An inflation adjustment**
29 **factor used under this subsection must not be less than \$1.00. As**

1 used in this subsection, "Detroit Consumer Price Index" means the
2 most comprehensive index of consumer prices available for the
3 Detroit area from the Bureau of Labor Statistics of the United
4 States Department of Labor.

5 Sec. 63405. (1) A person shall not engage in mining activities
6 except as authorized by a mining permit issued by the department. A
7 separate mining permit is required for each mine.

8 (2) An application for a mining permit ~~shall~~**must** be submitted
9 by the operator to the department on a form prescribed by the
10 department. The application ~~shall~~**must** include all of the
11 following:

12 (a) A permit application fee of \$5,000.00. The department
13 shall forward the permit application fee to the state treasurer for
14 deposit in the fund. **Beginning October 1, 2023, and by October 1**
15 **each year thereafter, the department may increase the application**
16 **fee described in this subdivision by an amount determined by**
17 **multiplying the application fee in effect during the immediately**
18 **preceding fiscal year by the inflation adjustment factor, and**
19 **rounding to the nearest whole dollar. The inflation adjustment**
20 **factor used under this subsection is equal to the 3-year average**
21 **July-June Consumer Price Index for the current fiscal year divided**
22 **by the 3-year average July-June Consumer Price Index for the**
23 **immediately preceding fiscal year, as determined by the department**
24 **of treasury using the Detroit Consumer Price Index. An inflation**
25 **adjustment factor used under this subsection must not be less than**
26 **\$1.00. As used in this subsection, "Detroit Consumer Price Index"**
27 **means the most comprehensive index of consumer prices available for**
28 **the Detroit area from the Bureau of Labor Statistics of the United**
29 **States Department of Labor.**

1 (b) Provisions for a conformance bond as described in section
2 63409.

3 (c) A mining and reclamation plan as described in subsection
4 (3) that addresses mining activities proposed in the application.

5 (3) The mining and reclamation plan required in subsection (2)
6 ~~shall~~**must** include all of the following:

7 (a) A map or maps showing the locations and dimensions of the
8 following:

9 (i) Proposed adits, shafts, underground mine workings, and
10 surface pits.

11 (ii) Proposed overburden, waste rock, and ore stockpiles.

12 (iii) Any crushing, grinding, or separation equipment that will
13 be utilized.

14 (b) A description of the mining methods that will be utilized.

15 (c) Plans and descriptions of measures that will minimize soil
16 erosion and sedimentation during mining activities.

17 (d) A map and description of fencing or other techniques to
18 minimize public safety hazards.

19 (e) Plans and schedules for reclamation of the mining area
20 following cessation of mining activities. The plans and schedules
21 ~~shall~~**must** address mining activities proposed in the application
22 and provide for grading, revegetation, and stabilization that will
23 do all of the following:

24 (i) Minimize soil erosion and sedimentation.

25 (ii) Protect public safety.

26 (iii) Establish conditions that promote future beneficial use
27 and do not require perpetual care.

28 (f) Plans and schedules for baseline water quality sampling,
29 which must be conducted before mining commences. Samples ~~shall~~**must**

1 be collected from the existing water supply wells available for
2 sampling and located within 1,320 feet of the proposed mining area.
3 However, samples are not required from more than 3 such water
4 supply wells. In addition, samples ~~shall~~**must** be collected from the
5 nearest surface water body located within 1,320 feet of the
6 proposed mining area, if any. The samples ~~shall~~**must** be analyzed
7 for pH, copper, and nitrate using laboratory methods approved by
8 the United States Environmental Protection Agency.

9 (4) Within 7 days after receiving an application for a mining
10 permit, the department shall give notice in writing to the county
11 and municipality where the mine is proposed to be located of the
12 specific location of the proposed mine. Within 14 days after
13 receiving an application for a mining permit, the department shall
14 publish notice of the application in a newspaper of local
15 distribution in the area of the proposed mine and ~~shall~~ post a copy
16 of the application on its website.

17 (5) Subject to subsection (6), effective 14 days after the
18 department receives an application for a mining permit, the
19 application ~~shall be~~**is** considered ~~to be~~ administratively complete.

20 (6) If, before the date indicated by subsection (5), the
21 department notifies the applicant that the application is not
22 administratively complete, specifying the information or fee
23 necessary to make the application administratively complete, the
24 running of the 14-day period under subsection (5) is tolled until
25 the applicant submits to the department the specified information
26 or fee.

27 (7) Subject to subsection (8), the department shall grant or
28 deny a mining permit within 45 days after an application is
29 considered or determined to be administratively complete under

1 subsection (5) or (6). If a mining permit is denied, the reasons
2 ~~shall~~**must** be stated in a written report to the applicant.

3 (8) If the department determines that information in the
4 application is insufficient to determine whether a permit may be
5 granted, the department may request additional information or
6 clarification from the applicant. The 45-day period under
7 subsection (7) is tolled until the applicant submits the requested
8 information.

9 Sec. 63413. (1) For purposes of surveillance, monitoring,
10 administration, and enforcement of this part, an operator shall pay
11 the department by February 15 of each year an operating fee of
12 \$5,000.00 for each mine where mining activities were ongoing as of
13 December 31 of the previous year. The **operating** fee is due each
14 year until the mining activities cease and the department has
15 released the conformance bond. **Beginning October 1, 2023, and by**
16 **October 1 each year thereafter, the department may increase the**
17 **operating fee described in this subsection by an amount determined**
18 **by multiplying the operating fee in effect during the immediately**
19 **preceding fiscal year by the inflation adjustment factor, and**
20 **rounding to the nearest whole dollar. The inflation adjustment**
21 **factor used under this subsection is equal to the 3-year average**
22 **July-June Consumer Price Index for the current fiscal year divided**
23 **by the 3-year average July-June Consumer Price Index for the**
24 **immediately preceding fiscal year, as determined by the department**
25 **of treasury using the Detroit Consumer Price Index. An inflation**
26 **adjustment factor used under this subsection must not be less than**
27 **\$1.00. As used in this subsection, "Detroit Consumer Price Index"**
28 **means the most comprehensive index of consumer prices available for**
29 **the Detroit area from the Bureau of Labor Statistics of the United**

1 **States Department of Labor.**

2 (2) The department shall assess a penalty equal to 2% of the
3 amount due against the operator for each month or part of a month
4 during which an operating fee has not been paid after the due date.

5 (3) The department shall forward all annual operating fees and
6 penalties collected under this section to the state treasurer for
7 deposit in the fund.

8 Sec. 63711. (1) For purposes of surveillance, monitoring,
9 administration, and enforcement of this part, an operator is
10 assessed a fee of not more than 10 cents per ton of sand mined from
11 a sand dune area for the calendar year reported as described in
12 subsection (2). Funds collected by the assessment of the fee ~~shall~~
13 **must** not exceed the actual costs to the department of implementing
14 the sections of this part that pertain to sand dune mining. Any
15 fees collected under this subsection that are unexpended at the end
16 of a fiscal year ~~shall~~**must** be credited to a separate fund of the
17 department, carried over to the succeeding fiscal year, and
18 deducted from the amount appropriated for that year for
19 surveillance, monitoring, administration, and enforcement of this
20 part for purposes of computing the fee to be assessed for that
21 year. **Beginning October 1, 2023, and by October 1 each year**
22 **thereafter, the department may increase the assessed fee described**
23 **in this subsection by an amount determined by multiplying the**
24 **assessed fee in effect during the immediately preceding fiscal year**
25 **by the inflation adjustment factor, and rounding to the nearest**
26 **whole dollar. The inflation adjustment factor used under this**
27 **subsection is equal to the 3-year average July-June Consumer Price**
28 **Index for the current fiscal year divided by the 3-year average**
29 **July-June Consumer Price Index for the immediately preceding fiscal**

1 year, as determined by the department of treasury using the Detroit
2 Consumer Price Index. An inflation adjustment factor used under
3 this subsection must not be less than \$1.00. As used in this
4 subsection, "Detroit Consumer Price Index" means the most
5 comprehensive index of consumer prices available for the Detroit
6 area from the Bureau of Labor Statistics of the United States
7 Department of Labor.

8 (2) An operator shall file an annual report on or before
9 January 31 of each year. The report ~~shall~~**must** show the areas mined
10 and describe the progress of restoration and reclamation activities
11 of the operator for the preceding calendar year. The report ~~shall~~
12 **must** contain both of the following:

13 (a) The number of tons of sand mined from a sand dune area.

14 (b) Location of the sand dune area.

15 (3) The fee described in subsection (1) ~~shall be~~**is** due not
16 more than 30 days after the department sends written notice to the
17 operator of the amount due.

18 (4) The surveillance fee and annual report required by this
19 section is confidential and ~~shall~~**is** not ~~be~~ available for public
20 inspection without the written consent of the person filing the fee
21 and report, except in accordance with judicial order.

22 (5) Failure to submit an annual report in compliance with
23 rules promulgated by the department constitutes grounds for
24 revocation of a permit.

25 (6) A penalty equal to 10% of the amount due, or \$1,000.00,
26 whichever is greater, ~~shall~~**must** be assessed against the operator
27 for a fee that is not paid when due. An unpaid fee and penalty
28 ~~shall~~ constitute a debt and become the basis of a judgment against
29 the operator. Penalties paid ~~pursuant to~~**under** this section ~~shall~~

1 **must** be used for the implementation, administration, and
2 enforcement of this part.

3 (7) Records ~~upon~~**on** which the annual report is based ~~shall~~
4 **must** be preserved for 3 years and are subject to audit by the
5 department.

6 (8) The department shall annually prepare and submit to the
7 house of representatives and senate standing committees with
8 jurisdiction over subject areas related to natural resources and
9 the environment a report on the sand mining surveillance activities
10 undertaken by the department for the immediately preceding year and
11 the cost of those activities.

12 Sec. 80130. (1) The secretary of state may provide a
13 commercial lookup service of records maintained under this part.
14 For each individual record looked up, the secretary of state shall
15 charge a fee ~~specified annually by the legislature, or if none, a~~
16 ~~market-based price established by the secretary of state.~~ **of \$15.00**
17 **per record.** The secretary of state shall process a commercial
18 lookup request only if the request is in a form or format
19 prescribed by the secretary of state. The secretary of state shall
20 credit fees collected under this subsection to the transportation
21 administration collection fund created in section 810b of the
22 Michigan vehicle code, 1949 PA 300, MCL 257.810b. ~~, through October~~
23 ~~1, 2023.~~ **Beginning October 1, 2023, and by October 1 each year**
24 **thereafter, the department may increase the fee described in this**
25 **subsection by an amount determined by multiplying the fee in effect**
26 **during the immediately preceding fiscal year by the inflation**
27 **adjustment factor, and rounding to the nearest whole dollar. The**
28 **inflation adjustment factor used under this subsection is equal to**
29 **the 3-year average July-June Consumer Price Index for the current**

1 fiscal year divided by the 3-year average July-June Consumer Price
2 Index for the immediately preceding fiscal year, as determined by
3 the department of treasury using the Detroit Consumer Price Index.
4 An inflation adjustment factor used under this subsection must not
5 be less than \$1.00. As used in this subsection, "Detroit Consumer
6 Price Index" means the most comprehensive index of consumer prices
7 available for the Detroit area from the Bureau of Labor Statistics
8 of the United States Department of Labor.

9 (2) To provide an individual, historical boating record, the
10 secretary of state shall create and maintain a computerized central
11 file that includes the information contained on application forms
12 received under this part and the name of each ~~person~~**individual** who
13 is convicted of an offense, who fails to comply with an order or
14 judgment issued, or against whom an order is entered under this
15 part. The computerized central file must be interfaced with the law
16 enforcement information network as provided in the C.J.I.S. policy
17 council act, 1974 PA 163, MCL 28.211 to 28.215.

18 (3) The secretary of state shall not provide an entire
19 computerized central or other file of records maintained under this
20 part to a nongovernmental person or entity unless the purchaser
21 pays the prescribed fee or price for each individual record
22 contained within the computerized file.

23 (4) A certified copy of an order, record, or paper maintained
24 under this part is admissible in evidence in the same manner as the
25 original and is prima facie proof of the facts stated in the
26 original.

27 Sec. 80315. (1) The secretary of state shall make available to
28 the public records maintained under this part, other than those
29 declared to be confidential by law or that are restricted by law

1 from disclosure to the public, under procedures prescribed in this
2 part and ~~in~~ the freedom of information act, 1976 PA 442, MCL 15.231
3 to 15.246.

4 (2) The secretary of state may provide a commercial lookup
5 service of watercraft title records maintained under this part. For
6 each individual record looked up, the secretary of state shall
7 charge a fee ~~specified annually by the legislature, or if none, a~~
8 ~~market based price established by the secretary of state. of \$15.00~~
9 **per record.** The secretary of state shall process a commercial
10 lookup request only if the request is in a form or format
11 prescribed by the secretary of state. The secretary of state shall
12 credit fees collected under this subsection to the transportation
13 administration collection fund created in section 810b of the
14 Michigan vehicle code, 1949 PA 300, MCL 257.810b. ~~through October~~
15 ~~1, 2023.~~**Beginning October 1, 2023, and by October 1 each year**
16 **thereafter, the department may increase the fee described in this**
17 **subsection by an amount determined by multiplying the fee in effect**
18 **during the immediately preceding fiscal year by the inflation**
19 **adjustment factor, and rounding to the nearest whole dollar. The**
20 **inflation adjustment factor used under this subsection is equal to**
21 **the 3-year average July-June Consumer Price Index for the current**
22 **fiscal year divided by the 3-year average July-June Consumer Price**
23 **Index for the immediately preceding fiscal year, as determined by**
24 **the department of treasury using the Detroit Consumer Price Index.**
25 **An inflation adjustment factor used under this subsection must not**
26 **be less than \$1.00. As used in this subsection, "Detroit Consumer**
27 **Price Index" means the most comprehensive index of consumer prices**
28 **available for the Detroit area from the Bureau of Labor Statistics**
29 **of the United States Department of Labor.**

1 (3) The secretary of state shall create and maintain a
2 computerized central file that includes the information contained
3 on application forms received under this part. The computerized
4 central file must be interfaced with the law enforcement
5 information network as provided in the C.J.I.S. policy council act,
6 1974 PA 163, MCL 28.211 to 28.215.

7 (4) The secretary of state shall not provide an entire
8 computerized central or other file of records maintained under this
9 part to a nongovernmental person or entity unless the purchaser
10 pays the prescribed fee or price for each individual record
11 contained within the computerized file.

12 (5) A certified copy of an order, record, or paper maintained
13 under this part is admissible in evidence in the same manner as the
14 original and is prima facie proof of the facts stated in the
15 original.

16 Sec. 81114. (1) The secretary of state shall make available to
17 the public records maintained under this part, other than those
18 declared to be confidential by law or that are restricted by law
19 from disclosure to the public, under procedures prescribed in this
20 part and ~~in~~ the freedom of information act, 1976 PA 442, MCL 15.231
21 to 15.246.

22 (2) The secretary of state may provide a commercial lookup
23 service of ORV operation, title, and registration records
24 maintained under this part. For each individual record looked up,
25 the secretary of state shall charge a fee ~~specified annually by the~~
26 ~~legislature, or if none, a market-based price established by the~~
27 ~~secretary of state.~~ **of \$15.00 per record.** The secretary of state
28 shall process a commercial lookup request only if the request is in
29 a form or format prescribed by the secretary of state. The

1 secretary of state shall credit fees collected under this
2 subsection to the transportation administration collection fund
3 created in section 810b of the Michigan vehicle code, 1949 PA 300,
4 MCL 257.810b. ~~, through October 1, 2023.~~ **Beginning October 1, 2023,**
5 **and by October 1 each year thereafter, the department may increase**
6 **the fee described in this subsection by an amount determined by**
7 **multiplying the fee in effect during the immediately preceding**
8 **fiscal year by the inflation adjustment factor, and rounding to the**
9 **nearest whole dollar. The inflation adjustment factor used under**
10 **this subsection is equal to the 3-year average July-June Consumer**
11 **Price Index for the current fiscal year divided by the 3-year**
12 **average July-June Consumer Price Index for the immediately**
13 **preceding fiscal year, as determined by the department of treasury**
14 **using the Detroit Consumer Price Index. An inflation adjustment**
15 **factor used under this subsection must not be less than \$1.00. As**
16 **used in this subsection, "Detroit Consumer Price Index" means the**
17 **most comprehensive index of consumer prices available for the**
18 **Detroit area from the Bureau of Labor Statistics of the United**
19 **States Department of Labor.**

20 (3) The secretary of state shall create and maintain a
21 computerized central file that includes the information contained
22 on application forms received under this part and the name of each
23 ~~person~~ **individual** who is convicted of an offense, who fails to
24 comply with an order or judgment issued, or against whom an order
25 is entered under this part. The computerized central file must be
26 interfaced with the law enforcement information network as provided
27 in the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to
28 28.215.

29 (4) The secretary of state may purge a record of an ORV

1 certificate of title and any record pertaining to it 7 years after
2 the title was issued or the record was made or received.

3 (5) The secretary of state shall not provide an entire
4 computerized central or other file of records maintained under this
5 part to a nongovernmental person or entity unless the purchaser
6 pays the prescribed fee or price for each individual record
7 contained within the computerized file.

8 (6) A certified copy of an order, record, or paper maintained
9 under this part is admissible in evidence in the same manner as the
10 original and is prima facie proof of the facts stated in the
11 original.

12 Sec. 82156. (1) The secretary of state shall make available to
13 the public records maintained under this part, other than those
14 declared to be confidential by law or that are restricted by law
15 from disclosure to the public, under procedures prescribed in this
16 part and ~~in~~ the freedom of information act, 1976 PA 442, MCL 15.231
17 to 15.246.

18 (2) The secretary of state may provide a commercial lookup
19 service of snowmobile operation, title, and registration records
20 maintained under this part. For each individual record looked up,
21 the secretary of state shall charge a fee ~~specified annually by the~~
22 ~~legislature, or if none, a market based price established by the~~
23 ~~secretary of state.~~ **of \$15.00 per record.** The secretary of state
24 shall process a commercial lookup request only if the request is in
25 a form or format prescribed by the secretary of state. The
26 secretary of state shall credit fees collected under this
27 subsection to the transportation administration collection fund
28 created in section 810b of the Michigan vehicle code, 1949 PA 300,
29 MCL 257.810b. ~~, through October 1, 2023.~~ **Beginning October 1, 2023,**

1 and by October 1 each year thereafter, the department may increase
2 the fee described in this subsection by an amount determined by
3 multiplying the fee in effect during the immediately preceding
4 fiscal year by the inflation adjustment factor, and rounding to the
5 nearest whole dollar. The inflation adjustment factor used under
6 this subsection is equal to the 3-year average July-June Consumer
7 Price Index for the current fiscal year divided by the 3-year
8 average July-June Consumer Price Index for the immediately
9 preceding fiscal year, as determined by the department of treasury
10 using the Detroit Consumer Price Index. An inflation adjustment
11 factor used under this subsection must not be less than \$1.00. As
12 used in this subsection, "Detroit Consumer Price Index" means the
13 most comprehensive index of consumer prices available for the
14 Detroit area from the Bureau of Labor Statistics of the United
15 States Department of Labor..

16 (3) To provide an individual, historical snowmobiling record,
17 the secretary of state shall create and maintain a computerized
18 central file that includes the information contained on application
19 forms received under this part and the name of each ~~person~~
20 **individual** who is convicted of an offense, who fails to comply with
21 an order or judgment issued, or against whom an order is entered
22 under this part or former 1968 PA 74. The computerized central file
23 must be interfaced with the law enforcement information network as
24 provided in the C.J.I.S. policy council act, 1974 PA 163, MCL
25 28.211 to 28.215.

26 (4) The secretary of state shall not provide an entire
27 computerized central or other file of records maintained under this
28 part to a nongovernmental person or entity unless the purchaser
29 pays the prescribed fee or price for each individual record

1 contained within the computerized file.

2 (5) A certified copy of an order, record, or paper maintained
3 in this record is admissible in evidence in like manner as the
4 original and is prima facie proof of the facts stated in the
5 original.