

SENATE BILL NO. 579

September 18, 2025, Introduced by Senator SINGH and referred to Committee on Regulatory Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 301, 3101, 3104, 3110, 3118, 3120, 3122, 3132,
3306, 4104, 4112, 5519, 11108, 11109, 11123, 11153, 11509, 11512,
11525a, 11717b, 12109, 12112, 16904, 17303, 17317, 30104, 30109,
31509, 32312, 32513, 32707, 32723, 33911, 33929, 61525, 61525a,
62509, 62509a, 63103d, 63205, 63215, 63405, 63413, and 63711 (MCL
324.301, 324.3101, 324.3104, 324.3110, 324.3118, 324.3120,
324.3122, 324.3132, 324.3306, 324.4104, 324.4112, 324.5519,

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, 324.30104, 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, and 324.63711), section 301 as amended by 2018 PA 240, section 3101 as amended by 2015 PA 247, sections 3104, 3110, 3118, 3120, 4104, 11153, 30104, 30109, 32312, and 32513 as amended by 2021 PA 91, sections 3122, 4112, 11525a, 17303, and 17317 as amended by 2023 PA 140, section 3132 as added by 1997 PA 29, section 3306 as amended by 2014 PA 253, section 5519 as added by 2024 PA 56, 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 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 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, and section 63711 as added by 1995 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 301. Except as otherwise defined in this act, as used in
- 2 this act:
- 3 (a) "Commission" means the commission of natural resources.
- 4 (b) "Department" means the director of the department of
- 5 natural resources or ~~his or her~~ **the director's** designee to whom the

1 director delegates a power or duty by written instrument.

2 (c) "Department of natural resources" means the principal
3 state department created in section 501.

4 (d) **"Detroit Consumer Price Index" means the most**
5 **comprehensive index of consumer prices available for the Detroit-**
6 **Warren-Dearborn area from the Bureau of Labor Statistics of the**
7 **United States Department of Labor.**

8 (e) ~~(d)~~—"Director" means the director of the department of
9 natural resources.

10 (f) ~~(e)~~—"Local unit of government" or "local unit" means a
11 municipality or county.

12 (g) ~~(f)~~—"Michigan conservation and recreation legacy fund"
13 means the Michigan conservation and recreation legacy fund
14 established in section 40 of article IX of the state constitution
15 of 1963 and provided for in section 2002.

16 (h) ~~(g)~~—"Municipality" means a city, village, or township.

17 (i) ~~(h)~~—"Person" means an individual, partnership,
18 corporation, association, governmental entity, or other legal
19 entity.

20 (j) ~~(i)~~—"Public domain" means all land owned by this state or
21 land deeded to this state under state law.

22 (k) ~~(j)~~—"Rule" means a rule promulgated ~~pursuant to~~ **under** the
23 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
24 24.328.

25 Sec. 3101. As used in this part:

26 (a) "Aquatic nuisance species" means a nonindigenous species
27 that threatens the diversity or abundance of native species or the
28 ecological stability of infested waters, or commercial,
29 agricultural, aquacultural, or recreational activities dependent on

1 such waters.

2 (b) "Ballast water" means water and associated solids taken on
3 board a vessel to control or maintain trim, draft, stability, or
4 stresses on the vessel, without regard to the manner in which it is
5 carried.

6 (c) "Ballast water treatment method" means a method of
7 treating ballast water and sediments to remove or destroy living
8 biological organisms through 1 or more of the following:

9 (i) Filtration.

10 (ii) The application of biocides or ultraviolet light.

11 (iii) Thermal methods.

12 (iv) Other treatment techniques approved by the department.

13 (d) "Department" means the department of ~~environmental~~
14 ~~quality.~~ **environment, Great Lakes, and energy.**

15 ~~(e) "Detroit consumer price index" means the most~~
16 ~~comprehensive index of consumer prices available for the Detroit~~
17 ~~area from the United States Department of Labor, Bureau of Labor~~
18 ~~Statistics.~~

19 ~~(e)~~ ~~(f)~~ "Emergency management coordinator" means that term as
20 defined in section 2 of the emergency management act, 1976 PA 390,
21 MCL 30.402.

22 ~~(f)~~ ~~(g)~~ "Great Lakes" means the Great Lakes and their
23 connecting waters, including Lake St. Clair.

24 ~~(g)~~ ~~(h)~~ "Group 1 facility" means a facility whose discharge is
25 described by R 323.2218 of the Michigan ~~administrative~~
26 ~~code.~~ **Administrative Code.**

27 ~~(h)~~ ~~(i)~~ "Group 2 facility" means a facility whose discharge is
28 described by R 323.2210(y), R 323.2215, or R 323.2216 of the
29 Michigan ~~administrative code.~~ **Administrative Code.** Group 2 facility

1 does not include a Group 2a facility.

2 (i) ~~(j)~~ "Group 2a facility" means a facility whose discharge
3 is described by R 323.2210(y) or R 323.2215 of the Michigan
4 ~~administrative code~~ **Administrative Code** and that meets 1 or more of
5 the following:

6 (i) The facility's discharge is from a coin-operated
7 laundromat.

8 (ii) The facility's discharge is from a car wash or vehicle
9 wash open to the public.

10 (iii) The facility's discharge is a subsurface sanitary
11 discharge of fewer than 10,000 gallons per day that does not meet
12 the terms for authorization under R 323.2211(a) of the Michigan
13 ~~administrative code~~ **Administrative Code**.

14 (iv) The facility's discharge is a seasonal sanitary discharge
15 from a public park, public or private recreational vehicle park or
16 campground, or recreational or vacation camp.

17 (j) ~~(k)~~ "Group 3 facility" means a facility whose discharge is
18 described by R 323.2211 or R 323.2213 of the Michigan
19 ~~administrative code~~ **Administrative Code**.

20 (k) ~~(l)~~ "Local health department" means that term as defined in
21 section 1105 of the public health code, 1978 PA 368, MCL 333.1105.

22 (l) ~~(m)~~ "Local unit" means a county, city, village, or township
23 or an agency or instrumentality of any of these entities.

24 (m) ~~(n)~~ "Municipality" means this state, a county, city,
25 village, or township, or an agency or instrumentality of any of
26 these entities.

27 (n) ~~(o)~~ "National response center" means the National
28 Communications Center established under the ~~clean water act,~~
29 **federal water pollution control act**, 33 USC 1251 to ~~1387,~~ **1389,**

1 located in Washington, DC, that receives and relays notice of oil
 2 discharge or releases of hazardous substances to appropriate
 3 federal officials.

4 (o) ~~(p)~~—"Nonoceangoing vessel" means a vessel that is not an
 5 oceangoing vessel.

6 (p) ~~(q)~~—"Oceangoing vessel" means a vessel that operates on
 7 the Great Lakes or the St. Lawrence waterway after operating in
 8 waters outside of the Great Lakes or the St. Lawrence waterway.

9 (q) ~~(r)~~—"Open water disposal of contaminated dredge materials"
 10 means the placement of dredge materials contaminated with toxic
 11 substances as defined in R 323.1205 of the Michigan ~~administrative~~
 12 ~~code~~ **Administrative Code** into the open waters of the waters of the
 13 state but does not include the siting or use of a confined disposal
 14 facility designated by the United States Army Corps of Engineers or
 15 beach nourishment activities utilizing uncontaminated materials.

16 (r) ~~(s)~~—"Primary public safety answering point" means that
 17 term as defined in section 102 of the emergency ~~telephone~~ **9-1-1**
 18 service enabling act, 1986 PA 32, MCL 484.1102.

19 (s) ~~(t)~~—"Sediments" means any matter settled out of ballast
 20 water within a vessel.

21 (t) ~~(u)~~—"Sewage sludge" means sewage sludge generated in the
 22 treatment of domestic sewage, other than only septage or industrial
 23 waste.

24 (u) ~~(v)~~—"Sewage sludge derivative" means a product for land
 25 application derived from sewage sludge that does not include solid
 26 waste or other waste regulated under this act.

27 (v) ~~(w)~~—"Sewage sludge generator" means a person ~~who~~ **that**
 28 generates sewage sludge that is applied to land.

29 (w) ~~(x)~~—"Sewage sludge distributor" means a person ~~who~~ **that**

applies, markets, or distributes, except at retail, a sewage sludge derivative.

(x) ~~(y)~~—"St. Lawrence waterway" means the St. Lawrence River, the St. Lawrence Seaway, and the Gulf of St. Lawrence.

(y) ~~(z)~~—"Threshold reporting quantity" means that term as defined in R 324.2002 of the Michigan ~~administrative code~~ **Administrative Code**.

(z) ~~(aa)~~—"Waters of the state" means groundwaters, lakes, rivers, and streams and all other watercourses and waters, including the Great Lakes, within the jurisdiction of this state.

Sec. 3104. (1) The department is designated the state agency to cooperate and negotiate with other governments, governmental units, and governmental agencies in matters concerning the water resources of this state, including, but not limited to, flood control, beach erosion control, water quality control planning, development, and management, and the control of aquatic nuisance species. The department shall have control over the alterations of natural or present watercourses of all rivers and streams in this state to ensure that the channels and the portions of the floodplains that are the floodways are not inhabited and are kept free and clear of interference or obstruction that will cause any undue restriction of the capacity of the floodway. The department may take steps as may be necessary to take advantage of any act of congress that may be of assistance in carrying out the purposes of this part, including the water resources planning act, 42 USC 1962 to 1962d-3, and the federal water pollution control act, 33 USC 1251 to ~~1388~~ **1389**.

(2) To address discharges of aquatic nuisance species from oceangoing vessels that damage water quality, aquatic habitat, or

1 fish or wildlife, the department shall facilitate the formation of
2 a Great Lakes aquatic nuisance species coalition. The Great Lakes
3 aquatic nuisance species coalition must be formed through an
4 agreement entered into with other states in the Great Lakes basin
5 to implement on a basin-wide basis water pollution laws that
6 prohibit the discharge of aquatic nuisance species into the Great
7 Lakes from oceangoing vessels. Upon entering into the agreement,
8 the department shall notify the Canadian Great Lakes provinces of
9 the terms of the agreement. The department shall seek funding from
10 the Great Lakes protection fund authorized under part 331 to
11 implement the Great Lakes aquatic nuisance species coalition.

12 (3) The department shall report to the governor and the
13 legislature at least annually on any plans or projects being
14 implemented or considered for implementation. The report must
15 include requests for legislation needed to implement any proposed
16 projects or agreements made necessary as a result of a plan or
17 project, together with any requests for appropriations. The
18 department may make recommendations to the governor on the
19 designation of areawide water quality planning regions and
20 organizations relative to the governor's responsibilities under the
21 federal water pollution control act, 33 USC 1251 to ~~1388-1389~~.1389.

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

29 (5) Except as otherwise provided in this section, ~~until~~

1 ~~October 1, 2025,~~ an application for a floodplain permit must be
2 accompanied by a fee of \$500.00. ~~Until October 1, 2025, if~~ **If** the
3 department determines that engineering computations are required to
4 assess the impact of a proposed floodplain alteration on flood
5 stage or discharge characteristics, the department shall assess the
6 applicant an additional \$1,500.00 to cover the department's cost of
7 review.

8 (6) After providing notice and an opportunity for a public
9 hearing, the department shall establish minor project categories of
10 activities within floodplains and floodplain projects that are
11 similar in nature, have minimal potential for causing harmful
12 interference when performed separately, and will have only minimal
13 cumulative adverse effects on the environment. All other provisions
14 of this part, except provisions applicable only to floodplain
15 general permits, are applicable to a minor project. A minor project
16 category must not be valid for more than 5 years, but may be re-
17 established. ~~Until October 1, 2025, an~~ **An** application for a
18 floodplain permit for a minor project category must be accompanied
19 by a fee of \$100.00.

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

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

4 (9) The department may issue, deny, or impose conditions on
5 project activities authorized under a floodplain permit for a minor
6 project category or a general permit category if the conditions are
7 designed to remove an impairment to a river and its floodplain, or
8 to mitigate the effects of the project. The department may also
9 establish a reasonable time when the proposed project is to be
10 completed or terminated.

11 (10) If the department determines that activity in a proposed
12 project, although within a floodplain minor project category or a
13 floodplain general permit category, is likely to cause more than
14 minimal adverse environmental effects, the department may require
15 that the application be processed according to subsection (5).

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

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

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

27 (a) Part 301.

28 (b) Part 303.

29 (c) Part 323.

1 (d) Part 325.

2 (e) Section 117 of the land division act, 1967 PA 288, MCL
3 560.117.

4 **(14) Beginning January 1, 2026, and by each January 1**
5 **thereafter, the department shall adjust the amount of the fees**
6 **described in this section by an amount determined by the state**
7 **treasurer to reflect the cumulative annual percentage change in the**
8 **Detroit Consumer Price Index.**

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~~ **who seek** to be certified as operators or
23 supervisors under subsection (1), section 4104, or section 9 of the
24 safe drinking water act, 1976 PA 399, MCL 325.1009. ~~Until October~~
25 ~~1, 2025, the~~ **The** department may charge a fee based on the costs to
26 the 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~~ **who seek** to be certified as
2 operators or supervisors under subsection (1), section 4104, or
3 section 9 of the safe drinking water act, 1976 PA 399, MCL
4 325.1009. An individual ~~that~~ **who** wishes to become certified as an
5 operator or a supervisor shall submit an application to the
6 department that contains the information required by the
7 department. Information submitted as part of the application must
8 be considered part of the examination for certification. ~~Until~~
9 ~~October 1, 2025, the~~ **The** department may charge a certification
10 examination fee and a certification renewal fee in accordance with
11 the following fee schedule:

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

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

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

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

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

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

29 (i) Municipal wastewater certification level A, B, C, or D

1 examination as described under subrule (1) of R 299.2911 of the
2 Michigan Administrative Code, \$70.00.

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

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

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

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

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

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

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

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

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

1 (vi) Drinking water distribution system class S-5 as described
2 under R 325.11902 of the Michigan Administrative Code, \$45.00.

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

5 (i) Stormwater industrial certification A-1i as described under
6 subrule (2) of R 323.1253 of the Michigan Administrative Code,
7 \$95.00.

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

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

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

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

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

29 (5) The department shall conduct a program for persons or

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

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

10 (b) An application for renewal of an approved training course,
11 \$50.00 for each course.

12 (6) All fees collected under this section must be deposited in
13 the operator training and certification fund created in section
14 3134.

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

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

29 **(9) Beginning January 1, 2026, and by each January 1**

1 **thereafter, the department shall adjust the amount of the fees**
2 **described in this section by an amount determined by the state**
3 **treasurer to reflect the cumulative annual percentage change in the**
4 **Detroit Consumer Price Index.**

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

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

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

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

27 (d) For a permit for a municipal separate storm sewer system
28 issued to a city, village, or township, an annual fee determined by
29 its population in an urbanized area as defined by the United States

~~Bureau of the Census~~ **Bureau** and, except as provided in subsection (11), based on the latest available decennial census, as follows:

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

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

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

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

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

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

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

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

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

(f) For a single municipal separate storm sewer systems permit authorizing a state or federal agency to operate municipal separate storm sewer systems in multiple locations statewide, an annual fee determined ~~pursuant to~~ **in accordance with** a memorandum of understanding between that state or federal agency and the department and based on the projected costs of the department to administer the permit.

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

1 a separate storm sewer system.

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

3 (4) A person ~~possessing~~**that possesses** a permit not related
4 solely to a site of construction activity as of January 1 shall be
5 assessed a fee. The department shall notify those persons of ~~their~~
6 **the** fee assessments by February 1. Payment must be postmarked no
7 later than March 15. Failure by the department to send a person a
8 fee assessment notification by the deadline, or failure of a person
9 to receive a fee assessment notification, does not relieve that
10 person of the obligation to pay the fee. If the department does not
11 meet the February deadline for sending the fee assessment, the fee
12 assessment is due not later than 45 days after the permittee
13 receives a fee notification.

14 (5) If a stormwater permit is issued for a drainage district,
15 the drainage district is responsible for the applicable fee under
16 this section.

17 (6) The department shall assess interest on all fee payments
18 submitted under this section after the due date. The permittee
19 shall pay an additional amount equal to 0.75% of the payment due
20 for each month or portion of a month the payment remains past due.

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

24 (8) The department shall require the payment of the fee
25 assessed under this section as a condition of issuance or
26 reissuance of a permit not related solely to a site of construction
27 activity.

28 (9) In addition to any other penalty provided in this part, if
29 a person fails to pay the fee required under this section by ~~its~~

1 **the** due date, the person is in violation of this part and the
 2 department may undertake enforcement actions as authorized under
 3 this part.

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

6 (11) If the permit is for a municipal separate storm sewer
 7 system and the population served by that system is different than
 8 that determined by the latest decennial census, the permittee may
 9 appeal the annual fee determination and submit written verification
 10 of actual population served by the municipal separate storm sewer
 11 system.

12 (12) A person that wishes to appeal either a fee or a penalty
 13 assessed under this section is limited to an administrative appeal
 14 under section 631 of the revised judicature act of 1961, 1961 PA
 15 236, MCL 600.631. The appeal must be filed ~~within~~**not later than** 30
 16 days after the department's fee notification under subsection (4).

17 **(13) Beginning January 1, 2026, and by each January 1**
 18 **thereafter, the department shall adjust the amount of the fees**
 19 **described in this section by an amount determined by the state**
 20 **treasurer to reflect the cumulative annual percentage change in the**
 21 **Detroit Consumer Price Index.**

22 **(14)** ~~(13)~~As used in this section and section 3119:

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

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

27 (c) "Construction activity" means a human-made earth change or
 28 disturbance in the existing cover or topography of land that is 5
 29 acres or more in size, for which a national permit is required

1 ~~pursuant to~~**under** 40 CFR 122.26(a), and which is described as a
2 construction activity in 40 CFR 122.26(b)(14)(x). Construction
3 activity includes clearing, grading, and excavating activities.
4 Construction activity does not include the practice of clearing,
5 plowing, tilling soil, and harvesting for the purpose of crop
6 production.

7 (d) "Fee" means a stormwater discharge fee authorized under
8 this section.

9 (e) "Fund" means the ~~stormwater~~**storm water** fund created in
10 section 3119.

11 (f) "General permit" means a permit issued authorizing a
12 category of similar discharges.

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

14 (h) "Municipal separate storm sewer system" means all separate
15 storm sewers that are owned or operated by the United States or a
16 state, city, village, township, county, district, association, or
17 other public body created by or ~~pursuant to~~**under** state law, having
18 jurisdiction over disposal of sewage, industrial wastes,
19 stormwater, or other wastes, including special districts under
20 state law, such as a sewer district, flood control district, or
21 drainage district or similar entity, or a designated or approved
22 management agency under section 208 of the clean water act, 33 USC
23 1288, that discharges to waters of the state. Municipal separate
24 storm sewer system includes systems similar to separate storm sewer
25 systems in municipalities, such as systems at military bases, large
26 hospital or prison complexes, and highways and other thoroughfares.
27 Municipal separate storm sewer system does not include separate
28 storm sewers in very discrete areas, such as individual buildings.

29 (i) "Notice of coverage" means a notice that a person engaging

1 in construction activity agrees to comply with a permit by rule for
2 that activity. A notice of coverage is not required to include a
3 copy of an individual permit issued under part 91 if the notice of
4 coverage includes a copy of a permit for the construction activity
5 issued under part 615, 625, 631, 632, or 634, along with any forms
6 or diagrams pertaining to soil erosion and sedimentation control
7 that were part of the application for that permit.

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

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

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

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

25 (ii) The system is not part of a publicly owned treatment
26 works.

27 (m) "Stormwater" means stormwater runoff, snowmelt runoff, and
28 surface runoff and drainage.

29 (n) "Stormwater discharge associated with industrial activity"

1 means a point source discharge of stormwater from a facility that
2 is considered to be engaging in industrial activity under 40 CFR
3 122.26(b) (14) (i) to (ix) and (xi).

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

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

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

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

13 (2) ~~Within~~ **Not later than** 180 days after receipt of a complete
14 application for a new or increased use permit, the department shall
15 either grant or deny the permit, unless the applicant and the
16 department agree to extend this time period.

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

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

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

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

27 (c) The applicant shall receive a 15% annual discount on an
28 annual permit fee required for a permit issued based on that
29 application.

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

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

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

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

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

11 (iii) For an individual permit for a low-flow facility,
12 \$1,650.00.

13 (iv) For an individual permit for a high-flow facility,
14 \$3,650.00.

15 (c) For a municipal facility that is an EPA major facility,
16 the following amount:

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

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

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

23 (iv) For an individual permit for a facility discharging less
24 than 10 MGD, \$5,500.00.

25 (d) For a municipal facility that is an EPA minor facility,
26 the following amount:

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

29 (ii) For an individual permit for a facility discharging 1 MGD

1 or more but less than 10 MGD, \$3,000.00.

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

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

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

6 (e) For a municipal facility that is a CSO facility,
7 \$6,000.00.

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

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

12 (i) The facility is an EPA minor facility and would qualify for
13 a general permit for a low-flow facility, in which case the fee is
14 \$150.00.

15 (ii) The facility is an EPA major facility that is not a
16 farmers' cooperative corporation, in which case the fee is
17 \$8,700.00.

18 (h) For a facility that holds a permit issued under this part
19 but has no discharge and is connected to and is authorized to
20 discharge only to a municipal wastewater treatment system, an
21 annual permit maintenance fee of \$100.00. However, if a facility
22 does have a discharge or at some time is no longer connected to a
23 municipal wastewater treatment system, the annual permit fee must
24 be the appropriate fee as otherwise provided in this subsection.

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

1 (7) The department shall send invoices for annual permit fees
2 under subsection (5) to all permit holders by December 1 of each
3 year. A fee must be based on the status of the facility as of
4 October 1 of that year. A person subject to an annual permit fee
5 shall pay the fee not later than January 15 of each year. Failure
6 by the department to send a person an invoice by December 1, or
7 failure of a person to receive an invoice, does not relieve that
8 person of the obligation to pay the annual permit fee. If the
9 department does not send invoices by December 1, the annual permit
10 fee is due not later than 45 days after the permittee receives an
11 invoice. The department shall forward annual permit fees received
12 under this section to the state treasurer for deposit into the
13 national pollutant discharge elimination system fund created in
14 section 3121.

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

19 (9) Following payment of an annual permit fee, if a permittee
20 wishes to challenge its annual permit fee under this section, the
21 owner or operator shall submit the challenge in writing to the
22 department. The department shall not process the challenge unless
23 it is received by the department by March 1 of the year the payment
24 is due. A challenge must identify the facility and state the
25 grounds ~~upon~~**on** which the challenge is based. ~~Within~~**Not later than**
26 30 calendar days after receipt of the challenge, the department
27 shall determine the validity of the challenge and provide the
28 permittee with notification of a revised annual permit fee and a
29 refund, if appropriate, or a statement setting forth the reason or

1 reasons why the annual permit fee was not revised. If the owner or
2 operator of a facility desires to further challenge its annual
3 permit fee, the owner or operator of the facility has an
4 opportunity for a contested case hearing as provided for under the
5 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
6 24.328.

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

9 **(11) Beginning January 1, 2026, and by each January 1**
10 **thereafter, the department shall adjust the amount of the fees**
11 **described in this section by an amount determined by the state**
12 **treasurer to reflect the cumulative annual percentage change in the**
13 **Detroit Consumer Price Index.**

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, 2027, 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 under section 3112. The fee is
16 as follows:

17 (a) For a group 1 facility, \$7,500.00.

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

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

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

22 (2) ~~Within~~ **Not later than** 180 days after receipt of a complete
23 application for a permit to discharge wastewater to the ground or
24 to 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 January 1, 2026, and by each January 1**
7 **thereafter, the department shall adjust the amount of the fee**
8 **described in subsection (1) by an amount determined by the state**
9 **treasurer to reflect the cumulative annual percentage change in the**
10 **Detroit Consumer Price Index.**

11 (5) ~~(4)~~As used in this section, "group 1 facility", "group 2
12 facility", "group 2a facility", and "group 3 facility" do not
13 include a municipality with a population of 1,000 or fewer
14 residents.

15 Sec. 3132. (1) Beginning in state fiscal year 1998, an annual
16 sewage sludge land application fee is imposed ~~upon~~**on** sewage sludge
17 generators and sewage sludge distributors. The sewage sludge land
18 application fee ~~shall~~**must** be in an amount equal to the sum of an
19 administrative fee and a generation fee. The administrative fee
20 ~~shall be~~**is** \$400.00 and the department shall set the generation fee
21 as provided by subsection (2). The department shall set the
22 generation fee so that the annual cumulative total of the sewage
23 sludge land application fee to be paid in a state fiscal year is,
24 as nearly as possible, \$650,000.00 minus the amount in the fund
25 created under subsection (5) carried forward from the prior state
26 fiscal year. Starting with fees to be paid in state fiscal year
27 1999, the \$650,000.00 amount ~~shall~~**must** be annually adjusted for
28 inflation using the Detroit ~~consumer price index~~**Consumer Price**
29 **Index. Beginning January 1, 2026, and by each January 1 thereafter,**

1 the department shall adjust the amount of the administrative fee by
2 an amount determined by the state treasurer to reflect the
3 cumulative annual percentage change in the Detroit Consumer Price
4 Index.

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

21 (3) By January 31 of each state fiscal year, each sewage
22 sludge generator or sewage sludge distributor shall pay its sewage
23 sludge land application fee. The sewage sludge generator or sewage
24 sludge distributor shall determine the amount of its sewage sludge
25 land application fee by multiplying the number of dry tons of
26 sewage sludge that it reported under subsection (2) by the
27 generation fee and adding the administrative fee.

28 (4) The department of ~~environmental quality~~**environment, Great**
29 **Lakes, and energy** shall assess interest on all fee payments

1 submitted under this section after the due date. The permittee
2 shall pay an additional amount equal to 0.75% of the payment due
3 for each month or portion of a month the payment remains past due.
4 The failure by a person to timely pay a fee imposed by this section
5 is a violation of this part.

6 (5) The sewage sludge land application fund is created in the
7 state treasury. The department of ~~environmental quality~~
8 **environment, Great Lakes, and energy** shall forward all fees
9 collected under this section to the state treasurer for deposit
10 into the fund. The state treasurer may receive money or other
11 assets from any source for deposit into the fund. The state
12 treasurer shall direct the investment of the fund. The state
13 treasurer shall credit to the fund interest and earnings from fund
14 investments. An unexpended balance within the fund at the close of
15 the state fiscal year shall be carried forward to the following
16 state fiscal year. The fund shall be allocated solely for the
17 administration of this section and sections 3131 and 3133,
18 including, but not limited to, education of the farmers, sewage
19 sludge generators, sewage sludge distributors, and the general
20 public about land application of sewage sludge and sewage sludge
21 derivatives and the requirements of this section and sections 3131
22 and 3133. The director of the department of ~~environmental quality~~
23 **environment, Great Lakes, and energy** may contract with a nonprofit
24 educational organization to administer the educational components
25 of this section. Ten percent of the fund ~~shall~~**must** be allocated to
26 the department of agriculture to provide persons involved in or
27 affected by land application of sewage sludge or sewage sludge
28 derivatives with education and technical assistance relating to
29 land application of sewage sludge or sewage sludge derivatives.

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

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

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

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

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

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

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

(2) For the 2014-2015 state fiscal year and each subsequent fiscal year, the department shall proportionately adjust the certificate of coverage and permit application fees under subsection (1) by category to achieve a target in fee revenue under subsection (1) and shall post the adjusted fees on ~~its~~**the** **department's** website by November 1. The department shall set the target so that the annual cumulative total of the target amount plus all of the following equals, as nearly as possible, \$900,000.00:

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

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

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

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

16 (4) The aquatic nuisance control fund is created in the state
 17 treasury. The department shall forward all fees collected under
 18 this section, section 3309, and section 3311 to the state treasurer
 19 for deposit into the fund. The state treasurer may receive money or
 20 other assets from any other source for deposit into the fund. The
 21 state treasurer shall direct the investment of the fund. The state
 22 treasurer shall credit to the fund interest and earnings from fund
 23 investments. Money in the fund at the close of the fiscal year
 24 shall remain in the fund and shall not lapse to the general fund.
 25 The department shall be the administrator of the fund for auditing
 26 purposes. The department shall expend money from the fund, ~~upon~~**on**
 27 appropriation, only for the administration of this part, including,
 28 but not limited to, the following:

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

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

3 (c) Compliance and enforcement activities related to aquatic
4 nuisance control.

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

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

19 (6) The department shall not charge a fee for an amendment to
20 an application for a certificate of coverage or permit, including
21 an amendment to an application after that application has been
22 resubmitted under section 3307(7).

23 Sec. 4104. (1) The department may promulgate and enforce rules
24 that the department considers necessary ~~governing to govern~~ and
25 ~~providing~~**provide for** a method of conducting and operating all or a
26 part of sewerage systems including sewage treatment works. The
27 department shall classify sewage treatment works with regard to
28 size, type, location, and other physical conditions affecting those
29 works and according to the skill, knowledge, experience, and

1 character that the individual who is in charge of the active
2 operation of the sewage treatment works must possess to
3 successfully operate the works and prevent the discharge of
4 deleterious matter capable of being injurious to the public health
5 or other public interests. The department shall examine or provide
6 for the examination of individuals as to ~~their~~**the** qualifications
7 to operate sewage treatment works. The department shall promulgate
8 rules regarding the classification of sewage treatment works, the
9 examinations for certification of operators for those works, and
10 the issuance and revocation of certificates, and shall issue and
11 revoke certificates as provided ~~in those~~**by the** rules. Every sewage
12 treatment works subject to this part must be under the supervision
13 of a properly certified operator, except that this section does not
14 require the employment of a certified operator in a waste treatment
15 works that receives only wastes that are not potentially
16 prejudicial to the public health.

17 (2) As provided in section 3110, the department may conduct a
18 program for training individuals ~~seeking~~**who seek** to be certified
19 as operators under subsection (1) and shall administer operator
20 certification programs for individuals ~~seeking~~**who seek** to be
21 certified as operators under subsection (1). ~~Until October 1, 2025,~~
22 ~~the~~**The** department may charge fees for these programs as provided
23 in section 3110. The department shall transmit fees collected under
24 this section to the state treasurer for deposit into the operator
25 training and certification fund created in section 3134.

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

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

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

2 (c) A small diameter pressure sewer and grinder pumping
3 station.

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

8 (3) To obtain an expedited review, a person shall do all of
9 the following: ~~before October 1, 2027:~~

10 (a) At least 10 business days before submitting an application
11 under subdivision (b), notify the department electronically, in
12 accordance with instructions provided on the department's website,
13 of the person's intent to request expedited review. The department
14 may waive this 10-day notification requirement.

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

18 (c) Provide a written copy of the construction plans and
19 specifications for the project that is prepared, signed, and sealed
20 by a licensed professional engineer to the department postmarked
21 not later than the date that the application is submitted
22 electronically.

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

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

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

1 (b) For a conventional gravity sewer extension equal to or
2 greater than 2,000 feet but less than 4,000 feet of sewer line,
3 \$1,500.00, and for each incremental increase of up to 2,000 feet of
4 sewer line, an additional \$500.00.

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

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

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

13 (5) Except as provided in subsection (7), if an applicant does
14 not comply with subsection (3), the department shall not conduct an
15 expedited review and any submitted fee ~~shall~~**must** not be refunded.
16 ~~Within~~**Not later than** 10 business days after receipt of the
17 application, the department shall notify the applicant of the
18 reasons why the department's review of the application will not be
19 expedited. On receipt of this notification, a person may correct
20 the deficiencies and resubmit an application and request for an
21 expedited review with the appropriate fee specified under
22 subsection (6). The department shall not reject a resubmitted
23 application and request for expedited review solely because of
24 deficiencies that the department failed to fully identify in the
25 original application.

26 (6) For a second submission of an application that originally
27 failed to meet the requirements specified in subsection (3), the
28 applicant shall instead include a fee equal to 10% of the fee
29 specified in subsection (4). However, if the deficiency included

1 failure to pay the appropriate fee, the second submission must
2 include the balance of the appropriate fee plus either 10% of the
3 appropriate fee or, if the applicant makes additional changes other
4 than those items identified by the department as being deficient,
5 an additional fee equal to the fee specified in subsection (4). For
6 the third and each subsequent submittal of an application that
7 failed to meet the requirements specified in subsection (3), the
8 applicant shall include an additional fee equal to the fee
9 specified in subsection (4).

10 (7) If an applicant fails to sign the application, submits
11 construction plans and specifications that have not been prepared,
12 signed, and sealed by a licensed professional engineer, or does not
13 submit the required fee, the department shall notify the applicant
14 of the deficiency ~~within~~**not later than** 5 business days after
15 receiving the application. The application must not be processed
16 until the deficient items are addressed. If the applicant does not
17 provide the deficient items within 5 business days after
18 notification by the department, the application must be handled as
19 provided in subsection (5).

20 (8) The department shall review and make a decision on
21 complete applications submitted with a request for expedited review
22 ~~within~~**not later than** 10 business days after receipt by the
23 department of a complete application. However, if the department
24 waives the notification requirement of subsection (3)(a), the
25 department shall review and make a decision on the application
26 ~~within~~**not later than** 20 business days after receipt of a complete
27 application.

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

1 (a) The department shall continue to expedite the application
2 review process for the application.

3 (b) The fee required under this section for an expedited
4 review must be refunded.

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

7 **(11) Beginning January 1, 2026, and by each January 1**
8 **thereafter, the department shall adjust the amount of the fees**
9 **described in this section by an amount determined by the state**
10 **treasurer to reflect the cumulative annual percentage change in the**
11 **Detroit Consumer Price Index.**

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

16 Sec. 5519. (1) The department shall establish a program to
17 implement the National Emission Standard for Asbestos, 40 CFR part
18 61, subpart M.

19 (2) Each year, the department shall complete inspections for
20 compliance with 40 CFR part 61, subpart M, of at least the
21 following applicable percentage of asbestos renovations and
22 demolitions for which original notice of intention was received
23 under 40 CFR 61.145:

24 (a) 15% for 2025 and 2026.

25 (b) 20% for 2027 and 2028.

26 (c) 25% for 2029 and thereafter.

27 (3) An owner or operator that submits a notice of intention of
28 asbestos removal or demolition is responsible for payment of a
29 notification fee of \$100.00. In addition, the owner or operator is

1 responsible for payment of a \$10.00 modification fee each time the
 2 submitted notice is modified. Fees under this subsection ~~shall~~**must**
 3 be paid electronically in the manner provided for by the
 4 department. A public entity may pass through the cost for the
 5 notice fee and any modification fee to the asbestos abatement
 6 contractor, unless the pass through would violate the terms of a
 7 contract entered into before ~~the effective date of the amendatory~~
 8 ~~act that added this section.~~ **April 2, 2025.** The department shall
 9 assess and collect the fees and shall transmit fee revenue to the
 10 state treasurer for deposit in the asbestos inspection fund created
 11 in section 5519a. **Beginning January 1, 2026, and by each January 1**
 12 **thereafter, the department shall adjust the amount of the fees**
 13 **described in this subsection by an amount determined by the state**
 14 **treasurer to reflect the cumulative annual percentage change in the**
 15 **Detroit Consumer Price Index.**

16 (4) As used in this section, "asbestos abatement contractor"
 17 means that term as defined in section 103 of the asbestos abatement
 18 contractors licensing act, 1986 PA 135, MCL 338.3103.

19 Sec. 11108. (1) Except as otherwise provided in this section,
 20 each owner or operator of a landfill shall pay to the department a
 21 fee assessed on hazardous waste disposed of in the landfill. The
 22 fee ~~shall~~**must** be based on the quantity of hazardous waste
 23 specified on the manifest or monthly operating report and ~~shall be~~
 24 **is** \$10.00 per ton, \$10.00 per cubic yard, or 1/2 cent per pound
 25 depending on the unit of measure used by the owner or operator to
 26 calculate the fee. The fee for fractional quantities of hazardous
 27 waste ~~shall~~**must** be proportional. If the hazardous waste is
 28 required to be listed on a manifest and the owner or operator of
 29 the landfill determines that the hazardous waste quantity on the

1 manifest is not accurate, the owner or operator shall correct the
2 hazardous waste quantity on all manifest copies accompanying the
3 shipment, note the reason for the change in the discrepancy
4 indication space on the manifest, and assess the fee in accordance
5 with the corrected hazardous waste quantity. Payment ~~shall~~**must** be
6 made ~~within~~**not later than** 30 days after the close of each quarter.
7 The landfill owner or operator shall assess off-site generators the
8 fee. The fee for hazardous waste that is generated and disposed of
9 on the site of a landfill owner or operator ~~shall~~**must** be paid by
10 that owner or operator.

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

1 assess off-site generators the fee. The fee for hazardous waste
2 that is generated and solidified on the site of a solidification
3 owner or operator ~~shall~~**must** be paid by that owner or operator.

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

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

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

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

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

15 (e) Hazardous waste generated ~~pursuant to~~**in accordance with** a
16 1-time closure or site cleanup activity in this state if the
17 closure or cleanup activity has been authorized in writing by the
18 department. Hazardous waste resulting from the cleanup of
19 inadvertent releases ~~which~~**that** occur after March 30, 1988 is not
20 exempt from the fees.

21 (f) Primary and secondary wastewater treatment solids from a
22 wastewater treatment plant that includes an aggressive biological
23 treatment facility as **that term is** defined in 42 USC 6925.

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

26 (4) An owner or operator of a landfill or solidification
27 facility shall assess or pay the fee described in this section
28 unless the generator provides a signed written certification
29 indicating that the hazardous waste is exempt from the fee. If the

1 hazardous waste that is exempt from the fee is required to be
2 listed on a manifest, the certification ~~shall~~**must** contain the
3 manifest number of the shipment and the specific fee exemption for
4 which the hazardous waste qualifies. If the hazardous waste that is
5 exempt from the fee is not required to be listed on a manifest, the
6 certification ~~shall~~**must** provide the volume of exempt hazardous
7 waste, the waste code or waste codes of the exempt waste, the date
8 of disposal or solidification, and the specific fee exemption for
9 which the hazardous waste qualifies. The owner or operator of the
10 landfill or solidification facility shall retain this certification
11 for 4 years ~~from~~**after** the date of receipt.

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

18 (6) The landfill owner or operator and the solidification
19 facility owner or operator shall forward to the department the fee
20 revenue due under this section with a completed form that is
21 provided or approved by the department. The owner or operator shall
22 certify that all information provided in the form is accurate. The
23 form ~~shall~~**must** include the following information:

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

25 (b) The name of each generator ~~who~~**that** was assessed a fee,
26 the generator's identification number, manifest numbers, hazardous
27 waste volumes, and the amount of the fee assessed.

28 (7) A generator is eligible for a refund from this state of
29 fees paid under this section if the generator documents to the

1 department, on a form provided by the department, a reduction in
2 the amount of hazardous waste generated as a result of a process
3 change, or a reduction in the amount of hazardous waste disposed of
4 in a landfill, either directly or following solidification at a
5 solidification facility, as a result of a process change or the
6 generator's increased use of source separation, input substitution,
7 process reformulation, recycling, treatment, or an exchange of
8 hazardous waste that results in a utilization of that hazardous
9 waste. The refund ~~shall~~**must** be in the amount of \$10.00 per ton,
10 \$10.00 per cubic yard, 4 cents per gallon, or 1/2 cent per pound of
11 reduction in the amount of hazardous waste generated or disposed of
12 in a landfill. A generator is not eligible to receive a refund for
13 that portion of a reduction in the amount of hazardous waste
14 generated that is attributable to a decrease in the generator's
15 level of production of the products that resulted in the generation
16 of the hazardous waste.

17 (8) A generator ~~seeking that~~ **seeks** a refund under subsection
18 (7) shall calculate the refund due by comparing hazardous waste
19 generation, treatment, and disposal activity in the calendar year
20 immediately preceding the date of filing with hazardous waste
21 generation, treatment, and disposal activity in the calendar year 2
22 years ~~prior to~~**before** the date of filing. To be eligible for a
23 refund, a generator shall file a request with the department ~~by not~~
24 **later than** June 30 of the year following the year for which the
25 refund is being claimed. A refund ~~shall~~**must** not exceed the total
26 fees paid by the generator to the landfill operator or owner and
27 the solidification facility operator or owner. A form submitted by
28 the generator as provided for in subsection (7) ~~shall~~**must** be
29 certified by the generator or the generator's authorized agent.

1 (9) The department shall maintain information regarding the
 2 landfill disposal fees received and refunds provided under this
 3 section.

4 (10) The fees collected under this section ~~shall~~**must** be
 5 forwarded to the state treasurer and deposited in the environmental
 6 pollution prevention fund created in section 11130. Any balance in
 7 the waste reduction fund on October 1, 2013 shall not lapse to the
 8 general fund but shall be transferred to the environmental
 9 pollution prevention fund and the waste reduction fund shall be
 10 closed. Money ~~from in~~ the environmental pollution prevention fund
 11 ~~shall~~**must** be expended, ~~upon on~~ appropriation, only for 1 or more
 12 of the following purposes:

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

14 (b) To fund programs created under this part, part 143, part
 15 145, or the hazardous materials transportation act, 1998 PA 138,
 16 MCL 29.471 to 29.480.

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

18 (d) To fund the permit to install program established under
 19 section 5505.

20 **(11) Beginning January 1, 2026, and by each January 1**
 21 **thereafter, the department shall adjust the amount of the fees**
 22 **described in this section by an amount determined by the state**
 23 **treasurer to reflect the cumulative annual percentage change in the**
 24 **Detroit Consumer Price Index.**

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~~**not later than** 30 days after the end of each calendar
2 year quarter.

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

5 (3) The landfill owner or operator shall forward to the
6 department the fee revenue due under this section with a completed
7 form that is provided or approved by the department. The owner or
8 operator shall certify that all information provided in the form is
9 accurate. The form ~~shall~~**must** specify the volume of TENORM disposed
10 of at the landfill during the preceding calendar quarter and the
11 amount of fee revenue being forwarded to the department.

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

14 (5) The TENORM account is created within the environmental
15 pollution prevention fund created in section 11130. The department
16 shall forward fees collected under this section to the state
17 treasurer for deposit in the TENORM account. The state treasurer
18 may receive money or other assets from any other source for deposit
19 into the account. The state treasurer shall direct the investment
20 of the account. The state treasurer shall credit to the account
21 interest and earnings from account investments. Money ~~remaining~~
22 **that remains** in the account at the close of the fiscal year ~~shall~~
23 **does** not lapse to the general fund.

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

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

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

29 (c) To provide grants to local units of government and

1 landfill operators to obtain equipment to monitor TENORM radiation.

2 (7) Beginning January 1, 2026, and by each January 1
3 thereafter, the department shall adjust the amount of the fee
4 described in this section by an amount determined by the state
5 treasurer to reflect the cumulative annual percentage change in the
6 Detroit Consumer Price Index.

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

12 (2) An application for an operating license for a proposed
13 treatment, storage, or disposal facility or the expansion,
14 enlargement, or alteration of a treatment, storage, or disposal
15 facility beyond its original authorized design capacity or beyond
16 the area specified in an existing operating license, original
17 construction permit, or other authorization ~~shall~~**must** be submitted
18 on a form provided by the department and contain all of the
19 following:

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

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

23 (c) A copy of an actual published notice that the applicant
24 published at least 30 days before submittal of the application in a
25 newspaper having major circulation in the municipality and the
26 immediate vicinity of the proposed treatment, storage, or disposal
27 facility project. The notice ~~shall~~**must** contain a map ~~indicating~~
28 **that indicates** the location of the proposed treatment, storage, or
29 disposal facility project and information on the nature and size of

1 the proposed facility. In addition, as provided by the department,
 2 the notice ~~shall~~**must** contain a description of the application
 3 review process, the location where the complete application may be
 4 reviewed, and an explanation of how copies of the complete
 5 application may be obtained.

6 (d) A written summary of the comments received at the public
 7 preapplication meeting required by rule and the applicant's
 8 response to the comments, including any revisions to the
 9 application.

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

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

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

20 (h) An engineering plan.

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

23 (j) An application fee. The application fee ~~shall~~**must** be
 24 deposited in the environmental pollution prevention fund created in
 25 section 11130. ~~Pursuant to~~**In accordance with** procedures
 26 established by rule, the application fee ~~shall be~~**is** \$25,000.00
 27 plus all of the following, as applicable:

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

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

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

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

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

(A) The applicant.

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

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

(D) If known, the 3 employees of the operator who will have
the most responsibility for the day-to-day operation of the
facility, including ~~their~~**any** previous experience with other
hazardous waste treatment, storage, or disposal facilities.

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

(ii) For each person required to be listed under this

subdivision, a list of all convictions for criminal violations of any statute enacted by a federal, state, Canadian, or Canadian provincial agency if the statute is an environmental statute, if the violation was a misdemeanor committed in furtherance of obtaining an operating license under this part not more than 5 years before the application is filed, or if the violation was a felony committed in furtherance of obtaining an operating license under this part not more than 10 years before the application is filed. If debt liability is held by a chartered lending institution, information required in this subparagraph and subparagraphs (iii) and (iv) is not required from that institution. The department shall submit to the legislature a report on ~~the 2014 act that amended this subparagraph, including~~ **PA 254 that includes** the number of permits denied as a result of ~~that act~~ **changes made under 2014 PA 254** and whether this subparagraph should be further amended. The report ~~shall~~ **must** cover the 5-year period after ~~the effective date of that act~~ **June 30, 2014** and ~~shall~~ **must** be submitted ~~within~~ **not later than** 60 days after the expiration of that 5-year period. The report may be submitted electronically.

(iii) A list of all environmental permits or licenses issued by a federal, state, local, Canadian, or Canadian provincial agency held by each person required to be listed under this subdivision that were permanently revoked because of noncompliance.

(iv) A list of all activities at property owned or operated by each person required to be listed under this subdivision that resulted in a threat or potential threat to the environment and for which public funds were used to finance an activity to mitigate the threat or potential threat to the environment, except if the public funds expended to facilitate the mitigation of environmental

1 contamination were voluntarily and expeditiously recovered from the
2 applicant or other listed person without litigation.

3 (l) A demonstration that the applicant has considered each of
4 the following:

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

7 (ii) The risk and impact of fires or explosions from improper
8 treatment, storage, and disposal methods at the treatment, storage,
9 or disposal facility.

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

15 (iv) The nature of the probable environmental impact, including
16 the specification of the predictable adverse effects on each of the
17 following:

18 (A) The natural environment and ecology.

19 (B) Public health and safety.

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

21 (D) Water and air quality and wildlife.

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

25 (n) A schedule for submittal of all of the following
26 postconstruction documentation:

27 (i) Any changes in, or additions to, the previously submitted
28 disclosure information, or a certification that the disclosure
29 listings previously submitted continue to be correct, following

1 completion of construction of the treatment, storage, or disposal
2 facility.

3 (ii) A certification under the seal of a licensed professional
4 engineer verifying that the construction of the treatment, storage,
5 or disposal facility has proceeded according to the plans approved
6 by the department and, if applicable, the approved construction
7 permit, including as-built plans.

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

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

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

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

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

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

27 (b) The location of the proposed facility.

28 (c) A determination of existing hydrogeological
29 characteristics specified in a hydrogeological report and

1 monitoring program consistent with rules promulgated under this
2 part.

3 (d) An environmental assessment. The environmental assessment
4 ~~shall~~**must** include, at a minimum, an evaluation of the proposed
5 facility's impact on the air, water, and other natural resources of
6 this state ~~, and also shall contain an~~ environmental failure mode
7 assessment.

8 (e) The procedures for closure.

9 (f) An engineering plan.

10 (g) Proof of financial responsibility.

11 (h) A resolution or other formal determination of the
12 governing body of each municipality in which the proposed limited
13 storage facility would be located indicating that the limited
14 storage facility is compatible with the zoning ordinance of that
15 municipality, if any. However, in the absence of a resolution or
16 other formal determination, the application ~~shall~~**must** include a
17 copy of a registered letter sent to the municipality at least 60
18 days before the application submittal, indicating the intent to
19 construct a limited storage facility, and requesting a formal
20 determination on whether the proposed facility is compatible with
21 the zoning ordinance of that municipality, if any, in effect on the
22 date the letter is received, and indicating that failure to pass a
23 resolution or make a formal determination within 60 days ~~of~~**after**
24 receipt of the letter means that the proposed facility is ~~to be~~
25 considered compatible with any applicable zoning ordinance. If,
26 within 60 days ~~of~~**after** receiving a registered letter, a
27 municipality does not make a formal determination concerning
28 whether a proposed limited storage facility is compatible with a
29 zoning ordinance of that municipality as in effect on the date the

1 letter is received, the limited storage facility is considered
2 compatible with any zoning ordinance of that municipality, and
3 incompatibility with a zoning ordinance of that municipality is not
4 a basis for the department to deny the license.

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

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

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

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

15 (b) The location of the existing treatment, storage, or
16 disposal facility.

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

20 (d) Proof of financial responsibility. An applicant for an
21 operating license for a treatment, storage, or disposal facility
22 that is a surface impoundment, landfill, or land treatment facility
23 shall demonstrate financial responsibility for claims arising from
24 nonsudden and accidental occurrences relating to the operation of
25 the facility that cause injury to persons or property.

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

28 (7) The department shall establish a schedule for requiring
29 each person subject to subsection (8) to submit an operating

1 license application. The department may adjust this schedule as
2 necessary. Each person subject to subsection (8) shall submit a
3 complete operating license application ~~within~~**not later than** 180
4 days ~~of~~**after** the date requested to do so by the department.

5 (8) A person ~~who~~**that** owns or operates a treatment, storage,
6 or disposal facility that is in existence on the effective date of
7 an amendment of this part or of a rule promulgated under this part
8 that renders all or portions of the facility subject to the
9 operating license requirements of this section may continue to
10 operate the facility or portions of the facility that are subject
11 to the operating license requirements until an operating license
12 application is approved or denied if all of the following
13 conditions have been met:

14 (a) A complete operating license application is submitted
15 ~~within~~**not later than** 180 days ~~of~~**after** the date requested by the
16 department under subsection (7).

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

19 (c) The person qualifies for interim status as defined in the
20 solid waste disposal act, is in compliance with interim status
21 standards established by federal regulation under subtitle C of the
22 solid waste disposal act, 42 USC 6921 to ~~6939e~~**6939g**, and has not
23 had interim status terminated.

24 (9) A person may request to be placed on a department-
25 organized mailing list to be kept informed of any rules, plans,
26 operating license applications, contested case hearings, public
27 hearings, or other information or procedures ~~relating~~**that relate**
28 to the administration of this part. The department may charge a fee
29 to cover the cost of the materials.

1 (10) Beginning January 1, 2026, and by each January 1
2 thereafter, the department shall adjust the amount of the fees
3 described in this section by an amount determined by the state
4 treasurer to reflect the cumulative annual percentage change in the
5 Detroit Consumer Price Index.

6 Sec. 11153. (1) A generator, transporter, or treatment,
7 storage, or disposal facility shall obtain and utilize a site
8 identification number assigned by the United States Environmental
9 Protection Agency or the department. ~~Until October 1, 2025, the~~ ~~The~~
10 department shall assess a site identification number user charge of
11 \$50.00 for each site identification number ~~it~~ **the department**
12 issues. The department shall not issue a site identification number
13 under this subsection unless the site identification number user
14 charge and the tax identification number for the person applying
15 for the site identification number ~~have been~~ **are** received by the
16 department.

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

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

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

25 (ii) A generator that generates 1,000 kilograms or more of
26 hazardous waste in any month during the calendar year and that
27 generates less than 900,000 kilograms during the calendar year
28 shall pay to the department an annual handler user charge of
29 \$400.00.

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

6 (b) An owner or operator of a treatment, storage, or disposal
7 facility for which an operating license is required under section
8 11123 or for which an operating license is issued under section
9 11125 shall pay to the department an annual handler user charge of
10 \$2,000.00.

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

15 (3) A handler shall pay the handler user charge specified in
16 subsection ~~(2) (a) to (e)~~ **(2)** for each of the activities conducted
17 during the previous calendar year.

18 (4) Handler user charges must be paid using a form provided by
19 the department. The handler shall certify that the information on
20 the form is accurate. The department shall send forms to the
21 handlers ~~by~~ **not later than** March 30 of each year. A handler shall
22 return the completed forms and the appropriate payment to the
23 department ~~by~~ **not later than** April 30 of each year.

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

28 (a) Payment of the handler user charge and an administrative
29 fine of 5% of the amount owed for each month that the payment is

1 delinquent. Any payments received after the fifteenth of the month
2 after the due date are delinquent for that month. However, the
3 administrative fine must not exceed 25% of the total amount owed.

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

10 (6) The department shall maintain information regarding the
11 site identification number user charges and the handler user
12 charges collected under this section as necessary to satisfy the
13 reporting requirements of subsection (8).

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

19 (8) The department shall evaluate the effectiveness and
20 adequacy of the site identification number user charges and the
21 handler user charges collected under this section relative to the
22 overall revenue needs of the hazardous waste management program
23 administered under this part. Not later than April 1 of each even-
24 numbered year, the department shall submit to the legislature a
25 report summarizing the department's findings under this subsection.

26 **(9) Beginning January 1, 2026, and by each January 1**
27 **thereafter, the department shall adjust the amount of the charges**
28 **described in subsections (1) and (2) by an amount determined by the**
29 **state treasurer to reflect the cumulative annual percentage change**

1 **in the Detroit Consumer Price Index.**

2 **(10)** ~~(9)~~ As used in this section:

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

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

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

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

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

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

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

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

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

28 (ii) Except as provided in subparagraph (iii), for an industrial
29 waste landfill, \$2,000.00.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (c) For the expansion of an existing disposal area for any

1 type of waste, \$500.00.

2 (5) If an application is returned to the applicant as
3 administratively incomplete, the applicant may, ~~within-not later~~
4 **than** 1 year after the application is returned, resubmit the
5 application, together with the additional information as needed to
6 address the reasons for being incomplete, without paying an
7 additional application fee. If a permit is denied or an application
8 is withdrawn, an applicant for a construction permit, ~~within-not~~
9 **later than** 1 year after the permit denial or application
10 withdrawal, may resubmit the application, together with the
11 additional information as needed to address the reasons for denial
12 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~~**must** be
 5 based on public health, solid waste disposal capacity, and economic
 6 issues that would arise without the new site.

7 **(10) Beginning January 1, 2026, and by each January 1**
 8 **thereafter, the department shall adjust the amount of the fees**
 9 **described in this section by an amount determined by the state**
 10 **treasurer to reflect the cumulative annual percentage change in the**
 11 **Detroit Consumer Price Index.**

12 **(11)** ~~(10)~~As used in this section, "contiguous" means either
 13 of the following:

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

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

17 (ii) A public or private right-of-way if access to and from the
 18 right-of-way for each piece of the property is opposite the access
 19 for the other piece of the property so that movement between the 2
 20 pieces of the property is by crossing the right-of-way.

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

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

26 (2) A person shall not dispose of solid waste at a disposal
 27 area unless the disposal area is licensed under this section.
 28 However, a person authorized by state law or rules promulgated by
 29 the department to do so may dispose of the solid waste at the site

1 of generation. Waste placement in existing landfill units ~~shall~~
2 **must** be consistent with past operating practices or modified
3 practices to ensure good management.

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

16 (4) An applicant for a license for a type II or type III
17 landfill shall submit evidence of financial assurance that meets
18 the requirements of section 11523a, the maximum waste slope in the
19 active portion, an estimate of remaining permitted capacity, and
20 documentation of the amount of waste received at the disposal area
21 during the previous license period or expected to be received,
22 whichever is greater.

23 (5) An application for a license for a disposal area other
24 than an existing coal ash impoundment ~~shall~~ **must** include a
25 certification under the seal of a licensed professional engineer
26 verifying that the construction of the disposal area has proceeded
27 according to the approved plans. An applicant for a license for an
28 existing coal ash impoundment shall submit with the application
29 documentation in the applicant's possession or control regarding

1 the construction of the impoundment. If construction of a portion
2 of a landfill is not complete, the owner or operator shall submit
3 additional construction certification of that portion of the
4 landfill under section 11516(3).

5 (6) An applicant for an operating license, ~~within~~**not later**
6 **than** 6 months after a license denial, may resubmit the application,
7 together with additional information or corrections as are
8 necessary to address the reason for denial, without being required
9 to pay an additional application fee.

10 (7) To conduct tests and assess operational capabilities, the
11 owner or operator of a municipal solid waste incinerator that is
12 designed to burn at a temperature in excess of 2500 degrees
13 Fahrenheit may operate the incinerator without an operating
14 license, upon notice to the department, for a period not to exceed
15 60 days.

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

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

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

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

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

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

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

1 (g) Landfills receiving more than 3,000 tons per day,
2 \$33,000.00.

3 (9) Type II landfill application fees ~~shall~~**must** be based on
4 the average amount of waste in tons projected to be received daily
5 during the license period. Application fees for license renewals
6 ~~shall~~**must** be based on the average amount of waste received daily
7 in the previous calendar year based on a 365-day calendar year.
8 Application fees ~~shall~~**must** be adjusted in the following
9 circumstances:

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

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

18 (c) A landfill used exclusively for municipal solid waste
19 incinerator ash that measures waste by volume rather than weight
20 shall pay a fee based on 1 cubic yard per ton.

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

23 (11) An application for an operating license for a coal ash
24 landfill ~~shall~~**must** be accompanied by a fee of \$13,000.00. By the
25 anniversary of the issuance of the operating license, while the
26 operating license remains in effect, the coal ash landfill owner or
27 operator shall pay the department a fee of \$13,000.00. If the
28 anniversary of the issuance of the operating license falls on a
29 legal holiday, the annual fee ~~shall~~**must** be paid by the next

1 business day.

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

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

13 (14) Upon receipt of a license application for either a coal
14 ash impoundment or a coal ash landfill, the department shall do all
15 of the following:

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

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

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

23 (a) Include a map indicating the location of the disposal area
24 and a description of the disposal area.

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

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

29 (d) Indicate that the department shall hold a public meeting

1 in the area of the disposal area if, ~~within-not later than~~ 15 days
2 after the date of publication of the notice, any of the following
3 occur:

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

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

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

14 (17) If an application is returned to the applicant as
15 administratively incomplete, the department shall refund the entire
16 fee. An applicant for a license, ~~within-not later than~~ 12 months
17 after a license denial or withdrawal of a license application, may
18 resubmit the application with the additional information as needed
19 to address the reasons for denial, without being required to pay an
20 additional application fee.

21 (18) The operating license application for a solid waste
22 processing and transfer facility that manages more than 200 cubic
23 yards at any time, or other disposal area that is not a landfill or
24 surface impoundment ~~shall-must~~ be accompanied by a fee of
25 \$1,000.00.

26 (19) Except as provided in subsection (13), the department
27 shall deposit operating license application fees collected under
28 this section in the perpetual care account of the solid waste
29 management fund.

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

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

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

19 (b) If the disposal area is a coal ash impoundment that has
20 not been previously licensed under this part, deny a license.

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

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

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

1 (b) Complies with part 55.

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

4 (23) An existing industrial waste landfill may accept any of
5 the following:

6 (a) Industrial waste.

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

9 (24) The owner or operator of a landfill shall annually submit
10 a report to the department and the county and municipality in which
11 the landfill is located that specifies the tonnage and type of
12 solid waste received by the landfill during the year itemized, to
13 the extent possible, by county, state, or country of origin and the
14 amount of remaining disposal capacity at the landfill. Remaining
15 disposal capacity ~~shall~~**must** be calculated as the permitted
16 capacity less waste in place for any area that has been constructed
17 and is not yet closed plus the permitted capacity for each area
18 that has a permit for construction under part 115 but has not yet
19 been constructed. The report ~~shall~~**must** be submitted ~~within~~**not**
20 **later than** 45 days after the end of each state fiscal year. By
21 January 31 of each year, the department shall submit to the
22 legislature a report summarizing the information obtained under
23 this subsection.

24 (25) The owner or operator of a licensed processing and
25 transfer facility, ~~within~~**not later than** 45 days after the end of
26 each state fiscal year, shall submit to the department on a form
27 and in a medium provided by the department, a report on the amount
28 of materials managed at the facility during that state fiscal year.

29 **(26) Beginning January 1, 2026, and by each January 1**

1 **thereafter, the department shall adjust the amount of the fees**
2 **described in this section by an amount determined by the state**
3 **treasurer to reflect the cumulative annual percentage change in the**
4 **Detroit Consumer Price Index.**

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

7 (a) Except as provided in subdivision (b), for a landfill or
8 coal ash impoundment that is not a captive facility, 36 cents for
9 each ton or portion of a ton of solid waste or municipal solid
10 waste incinerator ash that is disposed of in the landfill or coal
11 ash impoundment. ~~before October 1, 2027.~~

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

20 (c) For a type III landfill or coal ash impoundment that is a
21 captive facility and annually receives the following amount of
22 waste, the following annual corresponding surcharge for each state
23 fiscal year, based on the amount of waste received during that
24 fiscal year:

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

26 (ii) 75,000 or more but less than 100,000 tons of waste,
27 \$2,500.00.

28 (iii) 50,000 or more but less than 75,000 tons of waste,
29 \$2,000.00.

1 (iv) 25,000 or more but less than 50,000 tons of waste,
2 \$1,000.00.

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

4 (2) ~~Within~~ **Not later than** 30 days after the end of each
5 quarter of a state fiscal year, the owner or operator of a landfill
6 or coal ash impoundment that is not a captive facility shall pay
7 the surcharge under subsection (1)(a) for waste received during
8 that quarter of the state fiscal year. ~~Within~~ **Not later than** 30
9 days after the end of a state fiscal year, the owner or operator of
10 a type III landfill or coal ash impoundment that is a captive
11 facility shall pay the surcharge under subsection (1)(b) for waste
12 received during that state fiscal year.

13 (3) If the owner or operator of a landfill or coal ash
14 impoundment is required to pay the surcharge under subsection (1),
15 the owner or operator shall pass through and collect the surcharge
16 from any person that generated the solid waste or arranged for its
17 delivery to the hauler or solid waste processing and transfer
18 facility, notwithstanding the provisions of any agreement to the
19 contrary or the absence of any agreement.

20 (4) Surcharges collected under this section must be forwarded
21 to the state treasurer for deposit in the solid waste staff account
22 of the solid waste management fund.

23 (5) **Beginning January 1, 2026, and by each January 1**
24 **thereafter, the department shall adjust the amount of the**
25 **surcharges described in this section by an amount determined by the**
26 **state treasurer to reflect the cumulative annual percentage change**
27 **in the Detroit Consumer Price Index.**

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

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

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

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

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

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

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

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

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

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

(2) If a fee under subsection (1) is paid for a license, permit, or approval but the application for the license or permit or the request for the approval is denied, the department shall promptly refund the fee.

(3) For each state fiscal year, a person possessing a septage waste servicing license and septage waste vehicle license as of

1 January 1 of that fiscal year shall be assessed a septage waste
2 servicing license fee and septage waste vehicle license fee as
3 specified in this section. The department shall notify those
4 persons of ~~their~~**the** fee assessments by February 1 of that fiscal
5 year. Payment ~~shall~~**must** be postmarked by March 15 of that fiscal
6 year.

7 (4) The department shall assess interest on all fee payments
8 received after the due date. The amount of interest ~~shall~~**must**
9 equal 0.75% of the payment due, for each month or portion of a
10 month the payment remains past due. The failure by a person to
11 timely pay a fee imposed by this section is a violation of this
12 part.

13 (5) If a person fails to pay a fee required under this section
14 in full, plus any interest accrued, by October 1 of the year
15 following the date of notification of the fee assessment, the
16 department may issue an order that revokes the license or permit
17 held by that person for which the fee was to be paid.

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

20 **(7) Beginning January 1, 2026, and by each January 1**
21 **thereafter, the department shall adjust the amount of the fees**
22 **described in this section by an amount determined by the state**
23 **treasurer to reflect the cumulative annual percentage change in the**
24 **Detroit Consumer Price Index.**

25 Sec. 12109. (1) A liquid industrial by-product transporter
26 shall provide the generator confirmation of acceptance of by-
27 product for transportation and shall deliver the liquid industrial
28 by-product only to the designated facility specified by the
29 generator.

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

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

19 (4) A transporter shall obtain a site identification number
20 assigned by the United States Environmental Protection Agency or
21 the department. ~~Until October 1, 2021, the~~ **The** department shall
22 assess a site identification number user charge of \$50.00 for each
23 site identification number ~~it~~ **the department** issues. The department
24 shall not issue a site identification number under this subsection
25 unless the site identification number user charge and the tax
26 identification number for the person applying for the site
27 identification number ~~have been~~ **are** received. Money collected under
28 this subsection ~~shall~~ **must** be forwarded to the state treasurer for
29 deposit into the environmental pollution prevention fund created in

1 section 11130.

2 (5) Beginning January 1, 2026, and by each January 1
3 thereafter, the department shall adjust the amount of the site
4 identification number user charge described in subsection (4) by an
5 amount determined by the state treasurer to reflect the cumulative
6 annual percentage change in the Detroit Consumer Price Index.

7 Sec. 12112. (1) The owner or operator of a facility that
8 accepts liquid industrial by-product shall accept delivery of by-
9 product at the designated facility only if the facility is the
10 destination indicated on the shipping document. The facility owner
11 or operator shall do all of the following:

12 (a) Obtain a site identification number assigned by the United
13 States Environmental Protection Agency or the department. ~~Until~~
14 ~~October 1, 2021, the~~ **The** department shall assess a site
15 identification number user charge of \$50.00 for each site
16 identification number ~~it~~ **the department** issues. The department
17 shall not issue a site identification number under this subdivision
18 unless the site identification number user charge and the tax
19 identification number for the person applying for the site
20 identification number ~~have been~~ **are** received. Money collected under
21 this subdivision ~~shall~~ **must** be forwarded to the state treasurer for
22 deposit into the environmental pollution prevention fund created in
23 section 11130.

24 (b) Provide the generator or the generator's authorized
25 representative confirmation of the receipt of the liquid industrial
26 by-product.

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

1 (2) All storage, treatment, and reclamation of liquid
2 industrial by-product at the designated facility ~~shall~~**must** be in
3 either containers or tanks or as otherwise specified in section
4 12113(5). Storage, treatment, or reclamation regulated under part
5 615 or the rules, orders, or instructions promulgated under ~~that~~
6 part **615**, or regulated under part C of title XIV of the public
7 health service act, 42 USC 300h to 300h-8, or the regulations
8 promulgated under that part are exempt from this subsection.

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

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

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

28 (b) Maintain a plan designed to respond to and minimize
29 hazards to human health and the environment from unplanned releases

1 of liquid industrial by-product to air, soil, and surface water.

2 (c) Document that all employees who have a responsibility to
3 manage liquid industrial by-product are trained in the proper
4 handling and emergency procedures appropriate for ~~their~~**the**
5 **employees'** job duties.

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

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

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

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

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

22 **(7) Beginning January 1, 2026, and by each January 1**
23 **thereafter, the department shall adjust the amount of the site**
24 **identification number user charge described in subsection (1)(a) by**
25 **an amount determined by the state treasurer to reflect the**
26 **cumulative annual percentage change in the Detroit Consumer Price**
27 **Index.**

28 Sec. 16904. (1) By January 31 of each year, the owner or
29 operator of a collection site or portable shredding operation shall

1 submit an application for registration to the department. If a
 2 person ~~who~~**that** owns or operates a collection site is also a
 3 portable shredding operation, the person may submit a single
 4 application covering both. The application ~~shall~~**must** be on a form
 5 provided by the department and ~~shall~~**must** contain the information
 6 required by the department. The application for registration of a
 7 collection site ~~shall~~**must** include all of the following:

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

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

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

14 (3) A \$200.00 registration fee ~~shall~~**must** accompany each
 15 annual application for registration under this section. The
 16 department shall deposit money collected under this subsection into
 17 the state treasury to be credited to the fund.

18 **(4) Beginning January 1, 2026, and by each January 1**
 19 **thereafter, the department shall adjust the amount of the**
 20 **registration fee described in subsection (3) by an amount**
 21 **determined by the state treasurer to reflect the cumulative annual**
 22 **percentage change in the Detroit Consumer Price Index.**

23 Sec. 17303. (1) ~~Within~~**Not later than** 30 days after the end of
 24 each state fiscal year, a manufacturer that sells or offers for
 25 sale to any person in this state a new covered electronic device
 26 shall register with the department on a form provided by the
 27 department. A registration expires 30 days after the end of the
 28 state fiscal year in which the registration is required to be
 29 filed. A manufacturer that has not already filed a registration

1 under this part shall submit a registration ~~within~~**not later than**
2 10 business days after the manufacturer begins to sell or offer for
3 sale new covered electronic devices in this state.

4 (2) A registration under subsection (1) must include all of
5 the following:

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

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

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

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

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

17 (iii) Beginning with the first registration submitted after the
18 implementation of the takeback program, a report on the
19 implementation of the takeback program during the prior state
20 fiscal year, including all of the following:

21 (A) The total weight of the covered electronic devices
22 received by the takeback program from consumers during the prior
23 state fiscal year.

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

26 (C) The identity of any collector or recycler with whom the
27 manufacturer contracts for the collection or recycling of covered
28 electronic devices received from consumers. The identity of a
29 recycler ~~shall~~**must** include the addresses of that recycler's

1 recycling facilities in this state, if any. The identity of a
2 collector or recycler reported under this subparagraph is exempt
3 from disclosure under the freedom of information act, 1976 PA 442,
4 MCL 15.231 to 15.246, and must not be disclosed by the department
5 unless required by court order.

6 (3) A registration is effective on receipt by the department
7 if the registration is administratively complete.

8 (4) If a manufacturer's registration does not meet the
9 requirements of this section and any rules promulgated under this
10 part, the department shall notify the manufacturer of the
11 deficiency. If the manufacturer fails to correct the deficiency
12 ~~within~~**not later than** 60 days after notice is sent by the
13 department, the department may deny or revoke the manufacturer's
14 registration, after providing an opportunity for a contested case
15 hearing under the administrative procedures act of 1969, 1969 PA
16 306, MCL 24.201 to 24.328.

17 (5) A manufacturer of covered electronic devices shall update
18 its registration ~~within~~**not later than** 10 business days after a
19 change in the brands of covered electronic devices from that
20 manufacturer sold or offered for sale in this state.

21 (6) ~~Until October 1, 2027, a~~**A** manufacturer's registration
22 must be accompanied by an annual fee of \$3,000.00. However, if the
23 amount of money in the fund on December 31 of any year is greater
24 than \$600,000.00, the department shall not collect manufacturers'
25 registration fees for the following state fiscal year. **Beginning**
26 **January 1, 2026, and by each January 1 thereafter, the department**
27 **shall adjust the amount of the annual fee by an amount determined**
28 **by the state treasurer to reflect the cumulative annual percentage**
29 **change in the Detroit Consumer Price Index.**

1 (7) Revenue from manufacturers' registration fees collected
2 under this section must be deposited in the electronic waste
3 recycling fund created in section 17327.

4 (8) The department shall maintain on ~~its~~**the department's**
5 website a list of registered manufacturers of computers and a list
6 of registered manufacturers of video display devices and the
7 website addresses at which ~~they~~**the manufacturers** provide
8 information on recycling covered electronic devices.

9 (9) Not later than October 1, 2011 and every 2 years after
10 that date, the department shall submit a report to the secretary of
11 the senate and to the clerk of the house of representatives that
12 assesses the adequacy of the fees under this section and any
13 departmental recommendation to modify those fees.

14 Sec. 17317. (1) ~~Within~~**Not later than** 30 days after the end of
15 each state fiscal year, a person that engages in the business of
16 recycling covered electronic devices shall register with the
17 department on a form provided by the department. A registration
18 expires 30 days after the end of the state fiscal year in which the
19 registration is required to be filed. A recycler that has not
20 already filed a registration under this part shall submit a
21 registration ~~within~~**not later than** 10 business days after the
22 recycler begins to recycle covered electronic devices.

23 (2) A registration under subsection (1) must include all of
24 the following:

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

29 (b) A certification by the recycler that the recycler

1 substantially meets the requirements of section 17315.

2 (3) A recycler of covered electronic devices shall report the
3 total weight of covered electronic devices recycled during the
4 previous state fiscal year. The recycler shall keep a written log
5 that records the weight of covered video display devices and the
6 total weight of covered computers delivered to the recycler and
7 identified as such on receipt. The total weight reported in the
8 registration must be based on this log.

9 (4) A recycler's registration is effective on receipt by the
10 department if the registration is administratively complete.

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

19 (6) ~~Until October 1, 2027, a~~ **A** recycler's registration under
20 subsection (1) must be accompanied by an annual fee of \$2,000.00.
21 **Beginning January 1, 2026, and by each January 1 thereafter, the**
22 **department shall adjust the amount of the annual fee by an amount**
23 **determined by the state treasurer to reflect the cumulative annual**
24 **percentage change in the Detroit Consumer Price Index.**

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

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

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

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

(2) Except as provided in subsections (3) and (4), ~~until October 1, 2025,~~ an application for a permit must be accompanied by an application fee based on an administrative cost in accordance with the following schedule:

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

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

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

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

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

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

1 (iii) \$250.00 for an expansion of 11-50 marina slips to an
2 existing permitted marina, plus \$10.00 for each marina slip over
3 50.

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

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

11 (e) For major projects other than a project described in
12 subdivision (d)(v), involving any of the following, a fee of
13 \$2,000.00:

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

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

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

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

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

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

24 (vii) New commercial docks or wharves of 300 feet or more in
25 length.

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

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

28 (x) New golf courses.

1 (xi) Subdivisions.

2 (xii) Condominiums.

3 (f) For the removal of submerged logs from bottomland of an
4 inland lake, a \$500.00 fee.

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

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

11 (a) Section 3104.

12 (b) Part 303.

13 (c) Part 323.

14 (d) Part 325.

15 (e) Section 117 of the land division act, 1967 PA 288, MCL
16 560.117.

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

22 (5) If the department denies an application for a permit under
23 this part, the department shall promptly refund the application fee
24 paid under this section.

25 **(6) Beginning January 1, 2026, and by each January 1**
26 **thereafter, the department shall adjust the amount of the fees**
27 **described in this section by an amount determined by the state**
28 **treasurer to reflect the cumulative annual percentage change in the**
29 **Detroit Consumer Price Index.**

1 Sec. 30109. Upon the written request of a riparian owner and
 2 upon payment of a service fee, the department may enter into a
 3 written agreement with the riparian owner establishing the location
 4 of the ordinary high-water mark for ~~his or her~~ **the riparian owner's**
 5 property. In the absence of substantially changed conditions, the
 6 agreement is conclusive proof of the location in all matters
 7 between this state and the riparian owner and ~~his or her~~ **the**
 8 **riparian owner's** successors in interest. ~~Until October 1, 2025, the~~
 9 **The** service fee provided for in this section is \$500.00. The
 10 department shall forward service fees collected under this section
 11 to the state treasurer for deposit into the fund. **Beginning January**
 12 **1, 2026, and by each January 1 thereafter, the department shall**
 13 **adjust the amount of the service fee by an amount determined by the**
 14 **state treasurer to reflect the cumulative annual percentage change**
 15 **in the Detroit Consumer Price Index.**

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

- 20 (a) Construction of a new dam.
- 21 (b) Enlargement of a dam or an impoundment.
- 22 (c) Repair of a dam.
- 23 (d) Alteration of a dam.
- 24 (e) Removal of a dam.
- 25 (f) Abandonment of a dam.
- 26 (g) Reconstruction of a failed dam.

27 (2) An application for a permit ~~shall~~ **must** include information
 28 that the department determines is necessary for the administration
 29 of this part. If a project includes activities at multiple

1 locations, 1 application may be filed for the combined activities.

2 (3) An application for a permit for construction of a new dam,
3 reconstruction of a failed dam, or enlargement of a dam ~~shall~~**must**
4 be accompanied by the following fees:

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

7 (b) For a dam with a height of 10 feet or more but less than
8 20 feet, \$1,000.00.

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

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

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

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

22 **(7) Beginning January 1, 2026, and by each January 1**
23 **thereafter, the department shall adjust the amount of the fees**
24 **described in this section by an amount determined by the state**
25 **treasurer to reflect the cumulative annual percentage change in the**
26 **Detroit Consumer Price Index.**

27 Sec. 32312. (1) To regulate the uses and development of high-
28 risk areas, flood risk areas, and environmental areas and to
29 implement the purposes of this part, the department shall

1 promulgate rules **in accordance with the administrative procedures**
2 **act of 1969, 1969 PA 306, MCL 24.201 to 24.328.** If permits are
3 required under rules promulgated under this part, the permits must
4 be issued ~~pursuant to~~ **in accordance with** the rules and part 13.
5 Except as provided under subsection (2), ~~until October 1, 2025,~~ if
6 permits are required ~~pursuant to~~ **under the** rules promulgated under
7 this part, an application for a permit must be accompanied by a fee
8 as follows:

9 (a) For a commercial or multifamily residential project,
10 \$500.00.

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

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

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

19 (a) Part 301.

20 (b) Part 303.

21 (c) Part 325.

22 (d) Section 3104.

23 (e) Section 117 of the land division act, 1967 PA 288, MCL
24 560.117.

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

28 (4) A circuit court, upon petition and a showing by the
29 department that a rule promulgated under subsection (1) has been

1 violated, shall issue any necessary order to the defendant to
 2 correct the violation or to restrain the defendant from further
 3 violation of the rule.

4 **(5) Beginning January 1, 2026, and by each January 1**
 5 **thereafter, the department shall adjust the amount of the fees**
 6 **described in this section by an amount determined by the state**
 7 **treasurer to reflect the cumulative annual percentage change in the**
 8 **Detroit Consumer Price Index.**

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

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

14 (b) The legal description of the lands included in the
 15 project.

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

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

20 (e) Other information required by the department.

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

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

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

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

29 (i) \$50.00 for an expansion of 1-10 marina slips to an existing

1 permitted marina.

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

3 (iii) \$250.00 for an expansion of 11-50 marina slips to an
4 existing permitted marina, plus \$10.00 for each marina slip over
5 50.

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

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

13 (d) For major projects other than a project described in
14 subdivision (c) (v), involving any of the following, a fee of
15 \$2,000.00:

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

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

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

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

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

23 (vi) New breakwater or channel jetty.

24 (vii) Shore protection, such as groins and underwater
25 stabilizers, that extend 150 feet or more on Great Lakes
26 bottomlands.

27 (viii) New commercial dock or wharf of 300 feet or more in
28 length.

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

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

(a) Section 3104.

(b) Part 301.

(c) Part 303.

(d) Part 323.

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

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

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

(6) Beginning January 1, 2026, and by each January 1 thereafter, the department shall adjust the amount of the fees described in subsection (2) by an amount determined by the state treasurer to reflect the cumulative annual percentage change in the Detroit Consumer Price Index.

Sec. 32707. (1) Except as provided in subsections (2) and (3), a person who is required to register under section 32705 or holds a permit under section 32723 shall file a report annually with the department on a form provided by the department. Reports ~~shall~~**must** be submitted by April 1 of each year. Except as provided in

1 subsection (8), reports ~~shall~~**must** include the following
2 information:

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

5 (b) The source or sources of the water supply.

6 (c) The use or uses of the water withdrawn.

7 (d) The amount of consumptive use of water withdrawn.

8 (e) If the source of the water withdrawn is groundwater, the
9 location of the well or wells in latitude and longitude, with the
10 accuracy of the reported location data to within 25 feet.

11 (f) If the source of water withdrawn is groundwater, the
12 static water level of the aquifer or aquifers, if practicable.

13 (g) Other information specified by rule of the department.

14 (h) At the discretion of the registrant or permit holder, the
15 baseline capacity of the withdrawal and, if applicable, a
16 description of the system capacity.

17 (i) At the discretion of the registrant or permit holder, the
18 amount of water returned to the source watershed.

19 (j) Beginning in 2010, an acknowledgment that the registrant
20 has reviewed applicable environmentally sound and economically
21 feasible water conservation measures prepared under section 32708a.

22 (2) If a person reports the information required by this
23 section to the department in conjunction with a permit or for any
24 other purpose, that reporting, upon approval of the department,
25 satisfies the reporting requirements of this section.

26 (3) The owner of a farm who reports water use under section
27 32708 is not required to report under subsection (1).

28 (4) The department may, upon request from a person required to
29 report under this section, accept a formula or model that provides

1 to the department's satisfaction the information required in
2 subsection (1).

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

10 (6) Information described in section 32701(d)(i)(B) that is
11 provided to the department under subsection (1)(h) is exempt from
12 disclosure under the freedom of information act, 1976 PA 442, MCL
13 15.231 to 15.246, and ~~shall~~**must** not be disclosed unless the
14 department determines that the withdrawal is causing an adverse
15 resource impact.

16 (7) Except as otherwise provided in this subsection, a person
17 ~~who~~**that** files an annual report or notification under this section
18 shall annually remit a water use reporting fee of \$200.00 to the
19 department. Water use reporting fees ~~shall~~**must** be remitted to the
20 department in conjunction with the annual report or notification
21 submitted under this section. The department shall transmit water
22 use reporting fees collected under this section to the state
23 treasurer to be credited to the water use protection fund created
24 in section 32714. A water use reporting fee is not required for a
25 report or notification related to a farm that reports withdrawals
26 under section 32708 or for a report under subsection (8). **Beginning**
27 **January 1, 2026, and by each January 1 thereafter, the department**
28 **shall adjust the amount of the water use reporting fee by an amount**
29 **determined by the state treasurer to reflect the cumulative annual**

percentage change in the Detroit Consumer Price Index.

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

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

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

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

(c) A person ~~who~~**that** proposes to develop withdrawal capacity to make a new or increased large quantity withdrawal of more than 1,000,000 gallons of water per day from the waters of the state to supply a common distribution system that a site-specific review has determined is a zone C withdrawal.

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

(2) A person shall apply for a water withdrawal permit under this section by submitting an application to the department ~~containing~~**that contains** the information described in section

~~32706e(1)(a) to (e)~~ **32706c(1)** and an evaluation of existing hydrological and hydrogeological conditions. If the applicant proposes to undertake a preventative measure along with the withdrawal, the ~~property owner~~ **applicant** shall provide the department with a detailed description of the preventative measure and relevant information as to how the preventative measure will be implemented. In addition, the applicant shall submit an application fee in the amount of \$2,000.00. The department shall transmit application fees collected under this section to the state treasurer to be credited to the water use protection fund created in section 32714. **Beginning January 1, 2026, and by each January 1 thereafter, the department shall adjust the amount of the application fee by an amount determined by the state treasurer to reflect the cumulative annual percentage change in the Detroit Consumer Price Index.**

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

(4) The department shall provide public notification of ~~its~~ **the department's** receipt of applications under this section and

1 shall provide a public comment period of not less than 45 days
2 before applications are acted ~~upon~~**on** under subsection (5).

3 (5) The department shall make a decision whether to grant or
4 deny a water withdrawal permit under this section ~~within~~**not later**
5 **than** 120 days ~~of~~**after** receipt of an administratively complete
6 application.

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

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

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

17 (c) Subject to section 32726, the withdrawal will be
18 implemented so as to ensure that ~~it~~**the withdrawal** is in compliance
19 with all applicable local, state, and federal laws as well as all
20 legally binding regional interstate and international agreements,
21 including the boundary waters treaty of 1909.

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

24 (e) For permit applications received on or after January 1,
25 2009, the applicant has self-certified that ~~he or she~~**the applicant**
26 is in compliance with environmentally sound and economically
27 feasible water conservation measures developed by the applicable
28 water user's sector under section 32708a or has self-certified that
29 ~~he or she~~**the applicant** is in compliance with environmentally sound

1 and economically feasible water conservation measures developed for
2 the water use associated with that specific withdrawal.

3 (f) The department determines that the proposed withdrawal
4 will not violate public or private rights and limitations imposed
5 by ~~Michigan water law~~ **laws** or other ~~Michigan~~ common law duties
6 **applicable in this state.**

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

10 (8) In reviewing a proposed preventative measure, the
11 department shall consider the effect of the preventative measure on
12 preventing an adverse resource impact by diminishing the effect of
13 the withdrawal on stream or river flow or the temperature regime of
14 the stream or river. If the department approves a preventative
15 measure in conjunction with a water withdrawal permit under this
16 section, the department shall enter into a legally enforceable
17 implementation schedule for completion of the preventative measure.

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

21 (10) A permit issued under part 31 ~~pursuant to~~ **in accordance**
22 **with** 33 USC 1326(b) ~~shall be~~ **is** considered sufficient to
23 demonstrate that there will not be an adverse resource impact under
24 section 32721 and satisfies the conditions for a water withdrawal
25 permit under this section. Upon receipt of an application under
26 this section and evidence that the applicant holds a part 31 permit
27 described in this subsection, the department shall grant the
28 applicant a water withdrawal permit under this subsection.

29 (11) The department may revoke a water withdrawal permit

1 issued under this section if the department determines following a
2 hearing, based ~~upon~~**on** clear and convincing scientific evidence,
3 that the withdrawal is causing an adverse resource impact.

4 (12) A person ~~who~~**that** is aggrieved by a determination of the
5 department under this section related to a water withdrawal permit
6 may file a sworn petition with the department setting forth the
7 grounds and reasons for the complaint and asking for a contested
8 case hearing on the matter ~~pursuant to~~**in accordance with** the
9 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
10 24.328. A petition filed more than 60 days after action on the
11 water withdrawal permit may be rejected by the department as being
12 untimely. The department shall issue a final decision on a petition
13 for a contested case hearing ~~within~~**not later than** 6 months after
14 receiving the petition. A determination, action, or inaction by the
15 department following a contested case hearing is subject to
16 judicial review as provided in the administrative procedures act of
17 1969, 1969 PA 306, MCL 24.201 to 24.328.

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

20 (a) A withdrawal by a community supply that holds a permit
21 under the safe drinking water act, 1976 PA 399, MCL 325.1001 to
22 325.1023.

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

27 (c) A withdrawal for the production of bottled drinking water
28 approved by the department under a water source review conducted
29 under section 17 of the safe drinking water act, 1976 PA 399, MCL

1 325.1017.

2 Sec. 33911. (1) Upon application of a person that holds a
3 lease from this state of any portion or portions of the real
4 property described in this part, the department may execute and
5 deliver to the applicant a deed conveying all of the right, title,
6 and interest of this state in and to that real property, subject to
7 the paramount rights of hunting, fishing, and navigation, which
8 remain in the general public and in the government as recognized by
9 law. The deeds ~~shall~~**must** contain the same provisions as to use and
10 occupancy now set forth in all the leases previously granted under
11 former 1913 PA 326 or under this part. The department shall not
12 grant a deed under this part unless the lessee of the subject
13 property agrees to cancel the lease and relinquishes all rights
14 under the lease.

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

21 (3) A deed granted under this part ~~shall~~**must** not include a
22 portion of the original lease that is submerged or lies below the
23 elevation of 575.3 International Great Lakes Datum (IGLD 1985). The
24 department of ~~environmental quality~~**environment, Great Lakes, and**
25 **energy** shall perform a site inspection and set stakes, if
26 necessary, to identify the boundaries of the area of the leased lot
27 to be deeded. The applicant shall provide a boundary survey,
28 completed by a professional surveyor, that delineates the area of
29 the real property to be deeded. The state shall retain proprietary

1 ownership in trust over the portion of the leased lot below the
2 ordinary high-water mark of Lake St. Clair at the time of the
3 conveyance.

4 (4) A deed ~~shall~~**must** not be granted under this part at less
5 than the estimated land value of the real property as determined by
6 the township in which the real property is located. Appraisal
7 procedures and practices may include utilizing independent fee
8 appraisal contractors. The appraisal ~~shall~~**must** not include
9 improvements such as buildings, seawalls, and docks. Credit ~~shall~~
10 **must** not be granted to the lessee for the years remaining on an
11 unexpired lease when determining the sale value to the state. The
12 applicant shall remit the full consideration ~~within~~**not later than**
13 1 year after being notified in writing of the selling price by the
14 department. If the applicant does not remit the full consideration
15 for the deed within 1 year, the department shall close the file and
16 a new application must be submitted.

17 (5) If the applicant is not satisfied with the fair market
18 value determined by the department under subsection (4), the
19 applicant, ~~within~~**not later than** 30 days after receiving the
20 determination, may submit a petition in writing to the circuit
21 court in the thirty-first judicial circuit, and the court shall
22 appoint an appraiser or appraisers from the department's approved
23 listing to conduct an appraisal of the parcel. The decision of the
24 court is final. The applicant shall pay all costs associated with
25 this additional appraisal.

26 (6) A request for a deed ~~shall~~**must** be on a form provided by
27 the department of ~~environmental quality~~**environment, Great Lakes,**
28 **and energy** and ~~shall~~**must** be accompanied by an application fee of
29 \$500.00. **Beginning January 1, 2026, and by each January 1**

1 thereafter, the department shall adjust the amount of the
2 application fee by an amount determined by the state treasurer to
3 reflect the cumulative annual percentage change in the Detroit
4 Consumer Price Index.

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 must~~ be accompanied by a fee of \$250.00. **Beginning**
19 **January 1, 2026, and by each January 1 thereafter, the department**
20 **shall adjust the amount of the application fee by an amount**
21 **determined by the state treasurer to reflect the cumulative annual**
22 **percentage change in the Detroit Consumer Price Index.** Upon
23 approval by the department of ~~environmental quality~~**environment,**
24 **Great Lakes, and energy,** an assignment of lease form ~~shall must~~ be
25 recorded with the county register of deeds.

26 Sec. 61525. (1) A person shall not drill or begin the drilling
27 of any well for oil or gas, for secondary recovery, or a well for
28 the disposal of salt water, or brine produced in association with
29 oil or gas operations or other oil field wastes, or wells for the

1 development of reservoirs for the storage of liquid or gaseous
2 hydrocarbons, except as authorized by a permit to drill and operate
3 the well issued by the supervisor of wells ~~pursuant to~~ **under** part
4 13 and unless the person files with the supervisor a bond as
5 provided in section 61506. The permittee shall post the permit in a
6 conspicuous place at the location of the well as provided in the
7 rules and requirements or orders issued or promulgated by the
8 supervisor. An application for a permit ~~shall~~ **must** be accompanied
9 by a fee of \$300.00. A permit to drill and operate ~~shall~~ **must** not
10 be issued to an owner or ~~his or her~~ authorized representative **of an**
11 **owner** who does not comply with the rules and requirements or orders
12 issued or promulgated by the supervisor. A permit ~~shall~~ **must** not be
13 issued to an owner or ~~his or her~~ authorized representative **of an**
14 **owner** who has not complied with or is in violation of this part or
15 any of the rules, requirements, or orders issued or promulgated by
16 the supervisor or the department.

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

19 (3) The supervisor shall make available to any person, upon
20 request, not less often than weekly, the following information
21 pertaining to applications for permits to drill and operate:

22 (a) Name and address of the applicant.

23 (b) Location of proposed well.

24 (c) Well name and number.

25 (d) Proposed depth of the well.

26 (e) Proposed formation.

27 (f) Surface owner.

28 (g) Whether hydrogen sulfide gas is expected.

29 (4) The supervisor shall provide the information under

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

(5) Beginning January 1, 2026, and by each January 1 thereafter, the department shall adjust the amount of the application fee described in subsection (1) by an amount determined by the state treasurer to reflect the cumulative annual percentage change in the Detroit Consumer Price Index.

Sec. 61525a. **(1)** The owner or operator of a well used for injection, withdrawal, or observation related to the storage of natural gas or liquefied petroleum gas that has been used for its permitted purpose at any time during the calendar year immediately ~~prior to~~ **before** the time the fee is due is subject to a \$20.00 annual well regulatory fee. The owner or operator of a well described in this ~~section~~ **subsection** shall file an annual report by January 31 of each year stating the number of wells used for injection, withdrawal, or observation related to the storage of natural gas or liquefied petroleum gas that has been utilized for its permitted purpose during the previous calendar year. The report ~~shall~~ **must** include a list of wells identified by permit number, permit name, and gas storage field name on a form provided by the supervisor, or such other form ~~which~~ **that** may be acceptable to the supervisor. The annual well regulatory fee described in this

~~section~~**subsection** is due not more than 30 days after the supervisor sends notice to the owner or operator of the amount due.

(2) The supervisor shall forward all fees collected under this section to the state treasurer for deposit into the fund.

(3) Beginning January 1, 2026, and by each January 1 thereafter, the department shall adjust the amount of the annual well regulatory fee described in subsection (1) by an amount determined by the state treasurer to reflect the cumulative annual percentage change in the Detroit Consumer Price Index.

Sec. 62509. (1) A person shall not drill or begin the drilling of any brine, storage, or waste disposal well, or convert any well for these uses, and except as authorized by a permit issued by the supervisor of mineral wells ~~pursuant to~~**under** part 13 and rules promulgated by the supervisor of mineral wells, and unless the person files with the supervisor of mineral wells an approved surety or security bond. The application ~~shall~~**must** be accompanied by a survey of the well site. The department shall conduct an investigation and inspection before the supervisor of mineral wells issues a permit. A permit ~~shall~~**must** not be issued to any owner or ~~his or her~~ authorized representative **of an owner** who does not comply with the rules of the supervisor of mineral wells or who is in violation of this part or any rule of the supervisor of mineral wells. Upon completion of the drilling or converting of a well for storage or waste disposal and after necessary testing by the owner to determine that the well can be used for these purposes and in a manner that will not cause surface or underground waste, the supervisor of mineral wells, upon receipt of appropriate evidence, shall approve and regulate the use of the well for storage or waste disposal. These operations ~~shall~~**must** be ~~pursuant to~~**under** part 31.

1 The supervisor of mineral wells may schedule a public hearing to
2 consider the need or advisability of permitting the drilling or
3 operating of a storage or waste disposal well, or converting a well
4 for these uses, if the public safety or other interests are
5 involved.

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

27 (3) A permit is not required to drill a test well in those
28 areas of ~~the~~ **this** state where rocks of Precambrian age directly
29 underlie unconsolidated surface deposits or in those areas that

1 have been designated ~~pursuant to~~**under** section 62508(c). However,
 2 ~~within not later than~~ 2 years after completion of the drilling of
 3 the well, the owner shall advise the supervisor of mineral wells of
 4 the location of the well and file with the supervisor of mineral
 5 wells the log required under section 62508(d). The provisions of
 6 this part pertaining to the prevention and correction of surface
 7 and underground waste have the same application to these test wells
 8 as to other wells defined in this part.

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

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

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

- | | |
|--|--------------|
| 19 (a) Disposal well for disposal of waste | |
| 20 products other than processed brine | \$ 2,500.00. |
| 21 (b) Disposal well for disposal of | |
| 22 processed brine | \$ 500.00. |
| 23 (c) Storage well | \$ 500.00. |
| 24 (d) Natural brine production well | \$ 500.00. |
| 25 (e) Artificial brine production well | \$ 500.00. |
| 26 (f) Individual test well under | |
| 27 subsection (2) | \$ 500.00. |
| 28 (g) Blanket permit for test wells drilled pursuant to | |
| 29 subsection (4): | |

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

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

7 **(8) Beginning January 1, 2026, and by each January 1**
8 **thereafter, the department shall adjust the amount of the permit**
9 **application fees described in subsection (6) by an amount**
10 **determined by the state treasurer to reflect the cumulative annual**
11 **percentage change in the Detroit Consumer Price Index.**

12 Sec. 62509a. (1) The owner or operator of a well regulated
13 under this part is subject to the following annual mineral well
14 regulatory fee. The fee ~~shall apply~~ **applies** to any mineral well
15 that is usable for its permitted purpose, or has not been properly
16 plugged in accordance with the requirements of this part and rules
17 promulgated under this part, at the time the fee is due:

18	(a) For a disposal well for disposal of waste	
19	products other than processed brine	\$ 2,500.00
20	(b) For a disposal well for disposal or of	
21	processed brine	\$ 500.00
22	(c) For a storage well	\$ 500.00
23	(d) For a natural brine production well	\$ 500.00
24	(e) For an artificial brine production well	\$ 500.00
25	(f) For an individual test well	\$ 500.00
26	(g) For a blanket permit for test wells:	
27	(i) 1 to 24 wells	\$ 75.00
28	(ii) 25 to 49 wells	\$ 150.00
29	(iii) 50 to 75 wells	\$ 300.00

(iv) 75 to 200 wells \$ 600.00

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

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

(4) Beginning January 1, 2026, and by each January 1 thereafter, the department shall adjust the amount of the mineral well regulatory fees described in subsection (1) by an amount determined by the state treasurer to reflect the cumulative annual percentage change in the Detroit Consumer Price Index.

Sec. 63103d. (1) For purposes of surveillance, monitoring, administration, and enforcement of this part, a ferrous mineral operator ~~shall~~**must** be assessed a ferrous mineral surveillance fee on the ferrous product produced for the calendar year reported as described in subsection (2). The fee ~~shall~~**must** be assessed ~~upon~~**on** ferrous product and shall not be more than 1 cent per metric ton. Funds collected by the assessment of the ferrous mineral surveillance fee ~~shall~~**must** not exceed the actual costs to the department of implementing the sections of this part that pertain to ferrous mineral mining. Surveillance fees collected under this section ~~shall~~**must** be forwarded to the state treasurer for deposit in the ferrous mineral surveillance fund created in section 63103e. **Beginning January 1, 2026, and by each January 1 thereafter, the department shall adjust the amount of the ferrous mineral surveillance fee by an amount determined by the state treasurer to reflect the cumulative annual percentage change in the Detroit Consumer Price Index.**

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

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

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

11 (5) A penalty equal to 10% of the amount due, or \$1,000.00,
12 whichever is greater, ~~shall-must~~ be assessed against the ferrous
13 mineral operator for a fee that is not paid when due. An unpaid fee
14 and penalty constitute a debt and the basis of a judgment against
15 the operator. Penalties paid ~~pursuant to-under~~ this section ~~shall~~
16 **must** be used for the implementation, administration, and
17 enforcement of this part.

18 (6) Records ~~upon-on~~ which the annual report of production is
19 based ~~shall-must~~ be preserved for 3 years and are subject to audit
20 by the department.

21 Sec. 63205. (1) A person shall not engage in the mining of
22 nonferrous metallic minerals except as authorized in a mining
23 permit issued by the department.

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

27 (a) A permit application fee of \$5,000.00. The department
28 shall forward all permit application fees received under this
29 section to the state treasurer for deposit in the fund. **Beginning**

1 January 1, 2026, and by each January 1 thereafter, the department
2 shall adjust the amount of the permit application fee by an amount
3 determined by the state treasurer to reflect the cumulative annual
4 percentage change in the Detroit Consumer Price Index.

5 (b) An environmental impact assessment for the proposed mining
6 operation that describes the natural and human-made features,
7 including, but not limited to, flora, fauna, hydrology, geology,
8 and geochemistry, and baseline conditions in the proposed mining
9 area and the affected area that may be impacted by the mining, and
10 the potential impacts on those features from the proposed mining
11 operation. The environmental impact assessment ~~shall~~**must** define
12 the affected area and ~~shall~~**must** address feasible and prudent
13 alternatives.

14 (c) A mining, reclamation, and environmental protection plan
15 for the proposed mining operation, including beneficiation
16 operations, that will reasonably minimize the actual and potential
17 adverse impacts on natural resources, the environment, and public
18 health and safety within the mining area and the affected area. The
19 plan ~~shall~~**must** address the unique issues associated with
20 nonferrous metallic mining and ~~shall~~**must** include all of the
21 following:

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

24 (ii) Information that demonstrates that all methods, materials,
25 and techniques proposed to be utilized are capable of accomplishing
26 ~~their~~**the** stated objectives in protecting the environment and
27 public health, except that ~~such~~**the** information may not be required
28 for methods, materials, and techniques that are widely used in
29 mining or other industries and are generally accepted as effective.

1 The required information may consist of results of actual testing,
2 modeling, documentation by credible independent testing and
3 certification organizations, or documented applications in similar
4 uses and settings.

5 (iii) Plans and schedules for interim and final reclamation of
6 the mining area following cessation of mining operations.

7 (iv) A description of the geochemistry of the ore, waste rock,
8 overburden, peripheral rock, and tailings, including
9 characterization of leachability and reactivity.

10 (v) Provisions for the prevention, control, and monitoring of
11 acid-forming waste products and other waste products from the
12 mining process so as to prevent leaching into groundwater or runoff
13 into surface water.

14 (d) A contingency plan that includes an assessment of the risk
15 to the environment or public health and safety associated with
16 potential significant incidents or failures and describes the
17 operator's notification and response plans. When the application is
18 submitted to the department, the applicant shall provide a copy of
19 the contingency plan to each emergency management coordinator
20 having jurisdiction over the affected area.

21 (e) Financial assurance as described in section 63211.

22 (f) A list of other state and federal permits that are
23 anticipated to be required.

24 (3) The applicant has the burden of establishing that the
25 terms and conditions set forth in the permit application; mining,
26 reclamation, and environmental protection plan; and environmental
27 impact assessment will result in a mining operation that reasonably
28 minimizes actual or potential adverse impacts on air, water, and
29 other natural resources and meets the requirements of this act.

1 (4) Effective 14 days after the department receives an
2 application for a mining permit, the application ~~shall be~~ **is**
3 considered to be administratively complete unless the department
4 proceeds as provided under subsection (5).

5 (5) If, before the expiration of the 14-day period under
6 subsection (4), the department notifies the applicant that the
7 application is not administratively complete, specifying the
8 information necessary to make the application administratively
9 complete, or notifies the applicant that the fee required to
10 accompany the application has not been paid, specifying the amount
11 due, the running of the 14-day period under subsection (4) is
12 tolled until the applicant submits to the department the specified
13 information or fee amount due. The notice ~~shall~~ **must** be given in
14 writing or electronically.

15 (6) ~~Within~~ **Not later than** 42 days after an application for a
16 mining permit is determined to be administratively complete, the
17 department shall hold a public meeting on the application. The
18 department shall give notice of the public meeting not less than 14
19 or more than 28 days before the date of the public meeting. The
20 notice ~~shall~~ **must** specify the time and place of the public meeting,
21 which ~~shall~~ **must** be held in the county where the proposed mining
22 operation is located, and ~~shall~~ **must** include information on how to
23 review a copy of the application. The notice ~~shall~~ **must** be given in
24 writing to the city, village, or township and the county where the
25 proposed mining operation is to be located and to all affected
26 federally recognized Indian tribes in this state. The notice ~~shall~~
27 **must** also be given by publication in a newspaper of local
28 distribution in the area where the proposed mining operation is to
29 be located.

1 (7) The department shall accept written public comment on the
2 permit application for 28 days following the public meeting under
3 subsection (6). ~~Within~~ **Not later than** 28 days after the expiration
4 of the public comment period, the department shall reach a proposed
5 decision to grant or deny a mining permit and shall establish a
6 time and place for a public hearing on the proposed decision. The
7 department shall give notice of the public hearing not less than 14
8 or more than 28 days before the date of the public hearing. The
9 notice ~~shall~~ **must** be given in writing to the city, village, or
10 township and the county where the proposed mining operation is to
11 be located and to all affected federally recognized Indian tribes
12 in this state. The notice ~~shall~~ **must** also be given by publication
13 in a newspaper of local distribution in the area where the proposed
14 mining operation is to be located. The notice ~~shall~~ **must** contain
15 all of the following:

16 (a) A summary of the permit application.

17 (b) Information on how to review a complete copy of the
18 application. The application ~~shall~~ **must** be made available at a
19 public location in the area.

20 (c) A listing of other permits and hearings that are pending
21 or anticipated under this act with respect to the proposed mining
22 operation.

23 (d) The time and place of the public hearing, which ~~shall~~ **must**
24 be held in the area where the proposed mining operation is located.

25 (8) The department shall accept written public comment on the
26 proposed decision to grant or deny a mining permit for 28 days
27 following the public hearing. At the expiration of the public
28 comment period, the department shall issue a report summarizing all
29 comments received and providing the department's response to the

1 comments.

2 (9) ~~Within~~ **Not later than** 28 days after the expiration of the
3 public comment period under subsection (8), the department shall
4 grant or deny the mining permit application in writing. A
5 determination that an application is administratively complete does
6 not preclude the department from requiring additional information
7 from the applicant. The 28-day period under this subsection ~~shall~~
8 **must** be tolled until such time as the applicant submits the
9 requested information. If a mining permit is denied, the reasons
10 ~~shall~~ **must** be stated in a written report to the applicant.

11 (10) A mining permit ~~shall~~ **must** not be issued or transferred
12 to a person if the department has determined that person to be in
13 violation of this part, rules promulgated under this part, the
14 permit, or an order of the department under this part, unless the
15 person has corrected the violation or the person has agreed in
16 writing to correct the violation ~~pursuant to~~ **in accordance with** a
17 compliance schedule approved by the department.

18 (11) Subject to subsection (10), the department shall approve
19 a mining permit if it determines both of the following:

20 (a) The permit application meets the requirements of this
21 part.

22 (b) The proposed mining operation will not pollute, impair, or
23 destroy the air, water, or other natural resources or the public
24 trust in those resources, in accordance with part 17. ~~of this act.~~
25 In making this determination, the department shall take into
26 account the extent to which other permit determinations afford
27 protection to natural resources. For the purposes of this
28 subsection, excavation and removal of nonferrous metallic minerals
29 and of associated overburden and waste rock, in and of itself, does

1 not constitute pollution, impairment, or destruction of those
2 natural resources.

3 (12) The department shall deny a mining permit if ~~it~~**the**
4 **department** determines the requirements of subsection (11) have not
5 been met.

6 (13) Terms and conditions that are set forth in the permit
7 application and the mining, reclamation, and environmental
8 protection plan and that are approved by the department ~~shall~~**must**
9 be incorporated in and become a part of the mining permit.

10 (14) A mining permit is not effective until all other permits
11 required under this act for the proposed mining operation are
12 obtained.

13 (15) If a person submits an application for a mining permit
14 and 1 or more other permits under this act with respect to a
15 particular mining operation, the department may process the
16 applications in a coordinated fashion to the extent feasible given
17 procedural requirements applicable to individual permits. The
18 coordinated permit process may include consolidating public
19 hearings under this part with public hearings required under other
20 parts of this act. Any notice of a consolidated public hearing
21 ~~shall~~**must** state clearly which permits are to be considered at the
22 public hearing. An applicant may waive any required timelines under
23 subsections (4) to (9) to facilitate the coordination.

24 Sec. 63215. (1) For purposes of surveillance, monitoring,
25 administration, and enforcement of this part, the department shall
26 assess a permittee a nonferrous metallic mineral surveillance fee
27 of not more than 5 cents per ton of material mined from the mining
28 area as reported under section 63213(1)(d), but not less than
29 \$5,000.00, for each calendar year the mine is in operation and

1 during the postclosure monitoring period. Surveillance fees
2 collected under this section ~~shall~~**must** be forwarded to the state
3 treasurer for deposit in the nonferrous metallic mineral
4 surveillance fund created in section 63217. The surveillance fee
5 rate ~~shall~~**must** be calculated each year as follows:

6 (a) The department shall determine the total tons of material
7 mined from mining areas in this state in the prior calendar year.

8 (b) The department shall calculate the adjusted appropriation
9 by deducting any unexpended money in the fund at the close of the
10 prior fiscal year from the amount appropriated for the current
11 fiscal year for surveillance, monitoring, administration, and
12 enforcement of this part.

13 (c) The fee rate ~~shall~~**must** be the ratio, to the nearest 1/100
14 of 1%, of the adjusted appropriation to the total tons of material
15 mined.

16 (2) The nonferrous metallic mineral surveillance fee described
17 in subsection (1) is due by 30 days after the department sends
18 written notice to the permittee of the amount due.

19 (3) A penalty equal to 10% of the amount due, or \$1,000.00,
20 whichever is greater, ~~shall~~**must** be assessed against the permittee
21 for a metallic mineral surveillance fee that is not paid when due.
22 The department may file an action in the **Ingham County** circuit
23 court ~~for Ingham county~~ to collect the unpaid fee and penalty. The
24 unpaid fee and penalty ~~shall~~ constitute a debt and become the basis
25 of a judgment against the permittee.

26 (4) Penalties paid ~~pursuant to~~**under** this section ~~shall~~**must**
27 be used for the implementation, administration, and enforcement of
28 this part.

29 (5) **Beginning January 1, 2026, and by each January 1**

1 thereafter, the department shall adjust the amount of the
2 nonferrous metallic mineral surveillance fee described in
3 subsection (1) by an amount determined by the state treasurer to
4 reflect the cumulative annual percentage change in the Detroit
5 Consumer Price Index.

6 Sec. 63405. (1) A person shall not engage in mining activities
7 except as authorized by a mining permit issued by the department. A
8 separate mining permit is required for each mine.

9 (2) An application for a mining permit ~~shall~~**must** be submitted
10 by the operator to the department on a form prescribed by the
11 department. The application ~~shall~~**must** include all of the
12 following:

13 (a) A permit application fee of \$5,000.00. The department
14 shall forward the permit application fee to the state treasurer for
15 deposit in the fund. **Beginning January 1, 2026, and by each January**
16 **1 thereafter, the department shall adjust the amount of the permit**
17 **application fee by an amount determined by the state treasurer to**
18 **reflect the cumulative annual percentage change in the Detroit**
19 **Consumer Price Index.**

20 (b) Provisions for a conformance bond as described in section
21 63409.

22 (c) A mining and reclamation plan as described in subsection
23 (3) that addresses mining activities proposed in the application.

24 (3) The mining and reclamation plan required in subsection (2)
25 ~~shall~~**must** include all of the following:

26 (a) A map or maps showing the locations and dimensions of the
27 following:

28 (i) Proposed adits, shafts, underground mine workings, and
29 surface pits.

1 (ii) Proposed overburden, waste rock, and ore stockpiles.

2 (iii) Any crushing, grinding, or separation equipment that will
3 be utilized.

4 (b) A description of the mining methods that will be utilized.

5 (c) Plans and descriptions of measures that will minimize soil
6 erosion and sedimentation during mining activities.

7 (d) A map and description of fencing or other techniques to
8 minimize public safety hazards.

9 (e) Plans and schedules for reclamation of the mining area
10 following cessation of mining activities. The plans and schedules
11 ~~shall~~**must** address mining activities proposed in the application
12 and provide for grading, revegetation, and stabilization that will
13 do all of the following:

14 (i) Minimize soil erosion and sedimentation.

15 (ii) Protect public safety.

16 (iii) Establish conditions that promote future beneficial use
17 and do not require perpetual care.

18 (f) Plans and schedules for baseline water quality sampling,
19 which must be conducted before mining commences. Samples ~~shall~~**must**
20 be collected from the existing water supply wells available for
21 sampling and located within 1,320 feet of the proposed mining area.
22 However, samples are not required from more than 3 such water
23 supply wells. In addition, samples ~~shall~~**must** be collected from the
24 nearest surface water body located within 1,320 feet of the
25 proposed mining area, if any. The samples ~~shall~~**must** be analyzed
26 for pH, copper, and nitrate using laboratory methods approved by
27 the United States Environmental Protection Agency.

28 (4) ~~Within~~**Not later than** 7 days after receiving an
29 application for a mining permit, the department shall give notice

1 in writing to the county and municipality where the mine is
2 proposed to be located of the specific location of the proposed
3 mine. ~~Within~~ **Not later than** 14 days after receiving an application
4 for a mining permit, the department shall publish notice of the
5 application in a newspaper of local distribution in the area of the
6 proposed mine and shall post a copy of the application on ~~its~~ **the**
7 **department's** website.

8 (5) Subject to subsection (6), effective 14 days after the
9 department receives an application for a mining permit, the
10 application ~~shall be~~ **is** considered to be administratively complete.

11 (6) If, before the date indicated by subsection (5), the
12 department notifies the applicant that the application is not
13 administratively complete, specifying the information or fee
14 necessary to make the application administratively complete, the
15 running of the 14-day period under subsection (5) is tolled until
16 the applicant submits to the department the specified information
17 or fee.

18 (7) Subject to subsection (8), the department shall grant or
19 deny a mining permit ~~within~~ **not later than** 45 days after an
20 application is considered or determined to be administratively
21 complete under subsection (5) or (6). If a mining permit is denied,
22 the reasons ~~shall~~ **must** be stated in a written report to the
23 applicant.

24 (8) If the department determines that information in the
25 application is insufficient to determine whether a permit may be
26 granted, the department may request additional information or
27 clarification from the applicant. The 45-day period under
28 subsection (7) is tolled until the applicant submits the requested
29 information.

1 Sec. 63413. (1) For purposes of surveillance, monitoring,
2 administration, and enforcement of this part, an operator shall pay
3 the department by February 15 of each year an operating fee of
4 \$5,000.00 for each mine where mining activities were ongoing as of
5 December 31 of the previous year. The fee is due each year until
6 the mining activities cease and the department has released the
7 conformance bond.

8 (2) The department shall assess a penalty equal to 2% of the
9 amount due against the operator for each month or part of a month
10 during which an operating fee has not been paid after the due date.

11 (3) The department shall forward all annual operating fees and
12 penalties collected under this section to the state treasurer for
13 deposit in the fund.

14 **(4) Beginning January 1, 2026, and by each January 1**
15 **thereafter, the department shall adjust the amount of the operating**
16 **fee described in subsection (1) by an amount determined by the**
17 **state treasurer to reflect the cumulative annual percentage change**
18 **in the Detroit Consumer Price Index.**

19 Sec. 63711. (1) For purposes of surveillance, monitoring,
20 administration, and enforcement of this part, an operator is
21 assessed a fee of not more than 10 cents per ton of sand mined from
22 a sand dune area for the calendar year reported as described in
23 subsection (2). Funds collected by the assessment of the fee ~~shall~~
24 **must** not exceed the actual costs to the department of implementing
25 the sections of this part that pertain to sand dune mining. Any
26 fees collected under this subsection that are unexpended at the end
27 of a fiscal year ~~shall~~**must** be credited to a separate fund of the
28 department, carried over to the succeeding fiscal year, and
29 deducted from the amount appropriated for that year for

1 surveillance, monitoring, administration, and enforcement of this
2 part for purposes of computing the fee to be assessed for that
3 year.

4 (2) An operator shall file an annual report on or before
5 January 31 of each year. The report ~~shall~~**must** show the areas mined
6 and describe the progress of restoration and reclamation activities
7 of the operator for the preceding calendar year. The report ~~shall~~
8 **must** contain both of the following:

9 (a) The number of tons of sand mined from a sand dune area.

10 (b) Location of the sand dune area.

11 (3) The fee described in subsection (1) ~~shall be~~**is** due not
12 more than 30 days after the department sends written notice to the
13 operator of the amount due.

14 (4) The surveillance fee and annual report required by this
15 section is confidential and ~~shall~~**must** not be available for public
16 inspection without the written consent of the person filing the fee
17 and report, except in accordance with judicial order.

18 (5) Failure to submit an annual report in compliance with
19 rules promulgated by the department constitutes grounds for
20 revocation of a permit.

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

28 (7) Records ~~upon~~**on** which the annual report is based ~~shall~~
29 **must** be preserved for 3 years and are subject to audit by the

1 department.

2 (8) The department shall annually prepare and submit to the
3 house of representatives and senate standing committees with
4 jurisdiction over subject areas related to natural resources and
5 the environment a report on the sand mining surveillance activities
6 undertaken by the department for the immediately preceding year and
7 the cost of those activities.

8 (9) **Beginning January 1, 2026, and by each January 1**
9 **thereafter, the department shall adjust the amount of the fee**
10 **described in subsection (1) by an amount determined by the state**
11 **treasurer to reflect the cumulative annual percentage change in the**
12 **Detroit Consumer Price Index.**