

## **NREPA PERMIT DEADLINES**

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### **House Bill 5876**

**Sponsor: Rep. Fulton Sheen**

**Committee: Agriculture and Resource Management**

**Complete to 5-18-04**

## **A SUMMARY OF HOUSE BILL 5876 AS INTRODUCED 5-12-04**

Generally speaking, the bill would amend the Natural Resources and Environmental Protection Act to require the Departments of Natural Resources and Environmental Quality or other entities (whenever appropriate) to grant or deny administratively complete applications for various permits and licenses issued under the act in a timely manner. The review deadline varies depending on the license or permit for which an application has been made. If an application is not approved or denied by the required time, the applicant's application fee would be returned and the next renewal application fee would be discounted by 15 percent. The department would have to notify an applicant that an application is not administratively complete, and the review period would be tolled until the department receives a re-submitted and administratively complete application or 10 days after the applicant re-submits an application without subsequent notice by the department that the application is still incomplete.

The following is a list of the affected permits and licenses. Unless otherwise noted, the review deadline would be 26 weeks after the completed application is received or, if a hearing is held, 13 weeks after the hearing.

-- Floodplain alteration permits under Part 31 (Water Resources Protection). The review deadline would be 60 days.

-- Water pollution discharge permits under Part 31. The current review deadline of 180 days would be 26 weeks after the application is received or, if a hearing is held, 13 weeks after the hearing.

-- Permits for use water in mining iron ore under Part 35 (Use of Water in Mining Low-Grade Iron Ore).

-- Sewerage system construction permits under Part 41 (Sewerage Systems).

-- Vehicle testing licenses under Part 65 (Motor Vehicle Emissions Testing for Southeast Michigan).

-- Motor vehicle fleet testing permits under Part 65.

- Experimental pesticide permits under Part 83 (Pesticide Control).
- Restricted use pesticide dealer licenses under Part 83.
- Fertilizer manufacturer or distributor licenses under Part 85 (Fertilizers).
- Local soil erosion and sedimentation control permits under Part 91 (Soil Erosion and Sedimentation Control). The review deadline would be 30 days.
- Solid waste disposal area construction permits under Part 115 (Solid Waste Management). The review deadline would be 120 days.
- Solid waste disposal area operating licenses under Part 115. The review deadline would be 90 days, rather than the current 120-day review deadline.
- Municipal solid waste incinerator ash landfill operating license amendments under Part 115. The review deadline would be 120 days.
- Septage waste servicing licenses under Part 117 (Septage Waste Servicers).
- Septage waste vehicle licenses under Part 117.
- Septage waste disposal permits under Part 117.
- Inland lakes and streams project permits under Part 301 (Inland Lakes and Streams). The review deadline would be 60 days or, if a hearing is held, 90 days. The review deadline is consistent with current law.
- State or local permits for dredging, filling, or engaging in any other activity in a wetland under Part 303 (Wetlands Protection). For a state permit under section 30304, the review deadline would be 90 days or, if a hearing is held, 90 days after the hearing. For a local permit under section 30307, the review deadline would be 90 days. The review deadlines are consistent with current law.
- Dam construction, repair, or removal permits under Part 315 (Dam Safety). The current review deadline would 60 days or, if a hearing is held, 120 days would be stricken.
- Flood risk, high-risk, or environmental area permits under Part 323 (Shorelands Protection and Management). The review deadline would be 60 days.
- Permits for dredging and filling bottomlands under Part 325 (Great Lakes Submerged Lands). The review deadline would be 60 days. This is consistent with current law.

- Artificial waterways permits under Part 325. The review deadline would be 60 days. This, too, is consistent with current law.
- Submerged log removal permits under Part 326 (Great Lakes Submerged Logs Recovery). The review deadline would be 90 days after the close of the comment period or, if a hearing is held, 90 days after a hearing. The review deadline is consistent with current law.
- Permits for critical dune area uses under Part 353 (Sand Dunes Protection and Management). The review deadline would be 60 days or, if a hearing is held, 90 days.
- Endangered species permits under Part 365 (Endangered Species Protection).
- Game Bird Hunting Preserve Licenses under Part 417 (Game Bird Hunting Preserves).
- Dog training area permits under Part 421 (Dog Training Areas).
- Fur dealers' licenses under Part 425 (Furs, Hides, and Pelts).
- Game dealers' licenses under Part 427 (Breeders and Dealers).
- Charter boat operating permits under Part 445 (Charter and Livery Boat Safety).
- Boat livery operating permits under Part 445.
- Permits to take frogs for scientific purposes under Part 455 (Frogs).
- Game fish propagation licenses under Part 459 (Propagation of Game Fish in Private Waters).
- Game fish import licenses under Part 459.
- Timber harvesting licenses under Part 513 (Private Forestry).
- Oil and gas well drilling permits under Part 615 (Supervisor of Wells). The review deadline would be 10 days, which is consistent with current law.
- Brine, storage, or waste disposal well drilling or conversion permits, or test well drilling permits under Part 625 (Mineral Wells). The review deadline would be 10 days, which is consistent with current law.
- Metallic mineral mining permits under Part 631 (Reclamation of Mining Lands). The review deadline would be 60 days.
- Surface coal mining and reclamation permits under Part 635 (Mineral Mining Permits). The review deadline for an application to revise a permit would be 90 days.

- Sand dune mining permits under Part 637 (Sand Dune Mining).
- Michigan railway use permits under Part 721 (Michigan Trailways).
- Permits to recover abandoned property located on, in, or located in the immediate vicinity of and associated with a sunken aircraft or watercraft under Part 761 (Aboriginal Records and Antiquities). The review deadline would be 30 days.
- Mackinac Island State Park motor vehicle and land use permits under Part 765 (Mackinac Island State Park).
- Buoy or beacon permits under Part 801 (Marine Safety).

(In addition, the bill specifies that certain dam safety-related permits under section 31512 would have a review deadline of 60 days or, if a hearing is held, 120 days. However, the bill does not specifically include these permits in the list of affected permits and licenses.)

Upon request, the department would have to freely provide a person with a blank permit application form, a concise set of instructions, and a concise explanation of the permit review process, and would also have to post the material on its web site.

If the department fails to make a determination by the required time on an application for solid waste disposal area construction permits or solid waste disposal area operating licenses under Part 115, or permits for dredging, filling, or other activities in a wetland, the application would be considered to be approved.

If a person submits multiple applications, the department or departments would have to “process the applications in a coordinated fashion” and designate a primary contact person to communicate with the applicant regarding the applications.

On each January 31, beginning in 2005, the appropriate department would have to submit a report to the legislative standing committees and appropriations subcommittees with jurisdiction over the given subject matter for the preceding calendar year. The report would include (1) the number of permit applications received; (2) the total number of permit applications approved and the number approved before or after the deadline; (3) the total number of applications denied and the number denied before or after the deadline; (4) the number of applications that were not administratively complete; (5) the number of “coordinated” applications; (6) the average time to fulfill a request to make an application administratively complete; (7) the amount of application fees returned; and (8) the mean and median amount of time to process application for which the fee was either returned or discounted.

The above provisions would be established in a new Part 13.

The bill also makes numerous technical amendments to the act. The most significant of those amendments are the deletion of provisions throughout the act setting a review deadline for permit and license applications. These existing provisions are largely reinstated in the new Part 13.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.