

SENATE BILL No. 596

June 24, 2003, Introduced by Senator EMERSON and referred to the Committee on Appropriations.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12562 (MCL 333.12562), as amended by 1999 PA 41.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12562. (1) The application ~~of necessary chemicals in~~
2 ~~powder, crystal, or solution form~~ to the waters of the state of
3 **chemicals necessary** for the control of aquatic nuisances, such as
4 swimmers' itch and aquatic plants, is lawful and not in
5 contravention of the private or public rights to the use and
6 enjoyment of abutting property by the owners or occupants of that
7 property if the application ~~is made in accordance~~ **complies** with
8 sections 12561 to 12563 and rules promulgated under section
9 12561.

10 (2) ~~The~~ **After obtaining a permit from the department of**

1 **environmental quality, any of the following may conduct** necessary
 2 control work authorized ~~pursuant to~~ **under** this section: ~~may be~~
 3 ~~conducted by the~~

4 (a) **The** state or a political subdivision. ~~or by an~~

5 (b) **An** organized lake or improvement association on behalf of
 6 its members. ~~, or by the~~

7 (c) **The** owner of property abutting ~~on~~ the waters of the
 8 state. ~~, or by an~~

9 (d) **An** aquatic pest control applicator licensed under part 83
 10 of the natural resources and environmental protection act, 1994
 11 PA 451, MCL 324.8301 to 324.8336. ~~, after obtaining a permit~~
 12 ~~from the department of environmental quality.~~

13 (3) A permit **required under this section** may be obtained by
 14 application to the department of environmental quality. Unless
 15 revoked, ~~a permit issued under this section~~ **the permit** expires
 16 on December 31 of the calendar year in which it was issued.

17 (4) ~~(3)~~ The necessary control work authorized ~~pursuant to~~
 18 **under** this section shall be conducted at those times, under those
 19 conditions, and with those safeguards, as the department of
 20 environmental quality requires. ~~The department of environmental~~
 21 ~~quality may provide permits, upon application, for the~~
 22 ~~suppression of swimmers' itch and aquatic plants, if applicants~~
 23 **Persons issued permits under this section shall** provide at their
 24 own expense chemicals and other equipment and services called for
 25 in the rules promulgated by the department of environmental
 26 quality.

27 (5) ~~(4)~~ ~~Except as provided in subsection (5), until October~~

1 ~~1, 2003, an~~ An application for a permit under this section for
2 control work qualifying for a certificate of coverage under a
3 general permit shall be accompanied by ~~the following fee:~~ a fee
4 of \$75.00. An application for a permit under this section for
5 any other control work shall be accompanied by the following fee,
6 based on the size of the area of impact:

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

8 (ii) One-half acre or more but less than 5 acres, \$200.00.

9 (iii) Five acres or more but less than 20 acres, \$400.00.

10 (iv) Twenty acres or more but less than 100 acres, \$800.00.

11 (v) One hundred acres or more, \$1,500.00.

12 ~~(a) For treatment of areas of 1/2 acre or more and less than~~
13 ~~2 acres, \$50.00.~~

14 ~~—— (b) For treatment of areas of 2 acres or more, \$150.00.~~

15 ~~—— (5) A fee is not required under this section for owners of a~~
16 ~~single property treating waters abutting their property where the~~
17 ~~treatment area is less than 1/2 acre, or for water bodies in~~
18 ~~single ownership.~~

19 (6) The department of environmental quality shall forward
20 fees collected under this section to the state treasurer for
21 deposit in the land and water management permit fee fund created
22 in section 30113 of the natural resources and environmental
23 protection act, 1994 PA 451, MCL 324.30113.