



HOUSE BILL No. 4211

January 30, 1995, Introduced by Rep. Llewellyn and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 13 of Act No. 300 of the Public Acts of 1989, entitled "Dam safety act," being section 281.1313 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 13 of Act No. 300 of the Public Acts of
2 1989, being section 281.1313 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 13. (1) Except as otherwise provided in subsections
5 (2) and (3), dams and impoundments in the state are under the
6 jurisdiction of the department.

7 (2) The following are exempt from this act:

8 (a) Projects licensed, projects that have preliminary
9 permits, or projects for which an application for licensure has
10 been filed under the federal power act, chapter 285, 41

1 Stat. 1063, 16 U.S.C. 791a to 793, 796 to 797, 798 to 818, 820 to
2 824a, and 824b to 825r, if federal dam safety inspection provi-
3 sions apply during the license period and the inspection reports
4 are provided to the department.

5 (b) Projects located on boundary waters under the jurisdic-
6 tion and supervision of the United States army corps of
7 engineers.

8 (c) Impoundments licensed pursuant to the solid waste man-
9 agement act, Act No. 641 of the Public Acts of 1978, being sec-
10 tions 299.401 to 299.437 of the Michigan Compiled Laws, that con-
11 tain or are designed to contain type III wastes as defined in
12 rules promulgated under that act.

13 (3) ~~For 3 years commencing December 28, 1988,~~ UNTIL
14 JANUARY 1, 1998, a permit shall not be required under this act
15 for the repair, reconstruction, or improvement of a dam ~~located~~
16 ~~in Everett township, Newaygo county, and/or a dam located in the~~
17 ~~village of Luther, Lake county, which~~ THAT is AT LEAST 75 years
18 old, ~~if the dam~~ was damaged or destroyed by an act of God, AND
19 IS LOCATED IN A COUNTY THAT HAS A PER CAPITA INCOME OF LESS THAN
20 8,500. ~~in 1986. However, a person who is performing a project~~
21 ~~for the repair, reconstruction, or improvement of a dam that is~~
22 ~~exempt from obtaining a permit under this subsection shall submit~~
23 ~~to the department and the joint capital outlay committee plans~~
24 ~~and specifications for the project. These plans and specifica-~~
25 ~~tions shall be prepared by a licensed professional engineer and~~
26 ~~shall meet acceptable standards in the industry and must be~~
27 ~~approved by the joint capital outlay committee in order for a dam~~

~~1 to be repaired, reconstructed, or improved. In reviewing for
2 approval plans and specifications for the project, the joint cap-
3 ital outlay committee may require environmental considerations to
4 protect water quality such as underspill devices, minimum flow
5 releases and removal of contaminated sediments that may be resus-
6 pended in the water column upon impoundment. Such contaminated
7 sediments shall be disposed of in accordance with state law.~~