

HOUSE BILL No. 4132

January 25, 2011, Introduced by Reps. Heise, Muxlow, Somerville and Forlini and referred to the Committee on Regulatory Reform.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 1301 (MCL 324.1301), as amended by 2009 PA 120.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1301. As used in this part:

2 (a) "Application period" means the period beginning when an
3 application for a permit is received by the state and ending when
4 the application is considered to be administratively complete under
5 section 1305 and any applicable fee has been paid.

6 (b) "Department" means the department, agency, or officer
7 authorized by this act to approve or deny an application for a
8 particular permit.

9 (c) "Director" means the director of the state department

1 authorized under this act to approve or deny an application for a
 2 particular permit or the director's designee.

3 (d) "Permit" means a permit or operating license required by
 4 any ~~of the following sections~~ **PROVISION OF THIS ACT** or by rules
 5 promulgated thereunder, or, in the case of section 9112, by an
 6 ordinance or resolution adopted thereunder. **+PERMIT INCLUDES AN**
 7 **AUTHORIZATION FOR A PROJECT TO PROCEED UNDER A GENERAL PERMIT.**
 8 **PERMIT DOES NOT INCLUDE A LICENSE UNDER PART 435.**

9 ~~—— (i) Section 3104, floodplain alteration permit.~~

10 ~~—— (ii) Section 3503, permit for use of water in mining iron ore.~~

11 ~~—— (iii) Section 4105, sewerage system construction permit.~~

12 ~~—— (iv) Section 6516, vehicle testing license.~~

13 ~~—— (v) Section 6521, motor vehicle fleet testing permit.~~

14 ~~—— (vi) Section 8310, restricted use pesticide dealer license.~~

15 ~~—— (vii) Section 8310a, agricultural pesticide dealer license.~~

16 ~~—— (viii) Section 8504, license to manufacture or distribute
 17 fertilizer.~~

18 ~~—— (ix) Section 9112, local soil erosion and sedimentation control
 19 permit.~~

20 ~~—— (x) Section 11509, solid waste disposal area construction
 21 permit.~~

22 ~~—— (xi) Section 11512, solid waste disposal area operating
 23 license.~~

24 ~~—— (xii) Section 11542, municipal solid waste incinerator ash
 25 landfill operating license amendment.~~

26 ~~—— (xiii) Section 11702, septage waste servicing license or septage
 27 waste vehicle license.~~

- 1 ~~—— (xiv) Section 11709, septage waste site permit.~~
- 2 ~~—— (xv) Section 30104, inland lakes and streams project permit.~~
- 3 ~~—— (xvi) Section 30304, state permit for dredging, filling, or~~
4 ~~other activity in wetland. Permit includes an authorization for a~~
5 ~~specific project to proceed under a general permit issued under~~
6 ~~section 30312.~~
- 7 ~~—— (xvii) Section 31509, dam construction, repair, removal permit.~~
- 8 ~~—— (xviii) Section 32312, flood risk, high risk, or environmental~~
9 ~~area permit.~~
- 10 ~~—— (xix) Section 32503, permit for dredging and filling~~
11 ~~bottomland.~~
- 12 ~~—— (xx) Section 35304, department permit for critical dune area~~
13 ~~use.~~
- 14 ~~—— (xxi) Section 36505, endangered species permit.~~
- 15 ~~—— (xxii) Section 41702, game bird hunting preserve license.~~
- 16 ~~—— (xxiii) Section 42101, dog training area permit.~~
- 17 ~~—— (xxiv) Section 42501, fur dealer's license.~~
- 18 ~~—— (xxv) Section 42702, game dealer's license.~~
- 19 ~~—— (xxvi) Section 44513, charter boat operating permit under~~
20 ~~reciprocal agreement.~~
- 21 ~~—— (xxvii) Section 44517, boat livery operating permit.~~
- 22 ~~—— (xxviii) Section 45503, permit to take frogs for scientific use.~~
- 23 ~~—— (xxix) Section 45902, game fish propagation license.~~
- 24 ~~—— (xxx) Section 45906, game fish import license.~~
- 25 ~~—— (xxxi) Section 61525, oil or gas well drilling permit.~~
- 26 ~~—— (xxxii) Section 62509, brine, storage, or waste disposal well~~
27 ~~drilling or conversion permit or test well drilling permit.~~

~~—— (xxxiii) Section 63103a, metallic mineral mining permit.~~

~~—— (xxxiv) Section 63514 or 63525, surface coal mining and reclamation permit or revision of the permit during the term of the permit, respectively.~~

~~—— (xxxv) Section 63704, sand dune mining permit.~~

~~—— (xxxvi) Section 72108, use permits for Michigan railway.~~

~~—— (xxxvii) Section 76109, sunken aircraft or watercraft abandoned property recovery permit.~~

~~—— (xxxviii) Section 76504, Mackinac Island motor vehicle and land use permits.~~

~~—— (xxxix) Section 80159, buoy or beacon permit.~~

(e) "Processing deadline" means the last day of the processing period.

(f) "Processing period" means the following time period after the close of the application period, for the following permit, as applicable:

(i) Twenty days for a permit under section 61525 or 62509.

(ii) Thirty days for a permit under section 9112.

(iii) Thirty days after the department consults with the underwater salvage and preserve committee created under section 76103, for a permit under section 76109.

(iv) FOR ANY OTHER PERMIT FOR WHICH ANOTHER SECTION OF THIS ACT PROVIDES A PROCESSING PERIOD OF LESS THAN 60 DAYS, THE PROCESSING PERIOD PROVIDED BY THAT SECTION.

~~—— (iv) Sixty days, for a permit under section 30104 for a minor project as established by rule under section 30105(7) or for a permit under section 32312.~~

~~—— (v) Sixty days or, if a hearing is held, 90 days for a permit under section 35304.~~

~~—— (vi) Sixty days or, if a hearing is held, 120 days for a permit under section 30104, other than a permit for a minor project as established by rule under section 30105(7), or for a permit under section 31509.~~

~~—— (vii) Ninety days for a permit under section 11512, a revision of a surface coal mining and reclamation permit during the term of the permit under section 63525, or a permit under section 72108.~~

~~—— (viii) Ninety days or, if a hearing is held, 150 days for a permit under section 3104, 30304, or 32503 or~~

(v) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, 60 DAYS FOR ANY OTHER PERMIT, INCLUDING BUT NOT LIMITED TO an authorization for a specific project to proceed under a general permit issued under section 30312.

~~—— (ix) One hundred and twenty days for a permit under section 11509, 11542, 63103a, 63514, or 63704.~~

~~—— (x) One hundred fifty days for a permit under section 36505. However, if a site inspection or federal approval is required, the 150-day period is tolled pending completion of the inspection or receipt of the federal approval.~~

~~—— (xi) For any other permit, 150 days or, if a hearing is held, 90 days after the hearing, whichever is later.~~