

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 591

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 3118, 9115, and 63201 (MCL 324.3118, 324.9115,
and 324.63201), section 3118 as amended by 2015 PA 82, section 9115
as amended by 2011 PA 214, and section 63201 as added by 2004 PA
449, and by adding part 634.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3118. (1) Except as otherwise provided in this section,
2 until October 1, 2019, the department shall collect storm water
3 discharge fees from persons who apply for or have been issued storm
4 water discharge permits as follows:

5 (a) A 1-time fee of \$400.00 is required for a permit related
6 solely to a site of construction activity for each permitted site.
7 The fee shall be submitted by the permit applicant with his or her

1 application for an individual permit or for a certificate of
2 coverage under a general permit. For a permit by rule, the fee
3 shall be submitted by the construction site permittee along with
4 his or her notice of coverage. A person needing more than 1 permit
5 may submit a single payment for more than 1 permit and receive
6 appropriate credit. Payment of the fee under this subdivision or
7 verification of prepayment is a necessary part of a valid permit
8 application or notice of coverage under a permit by rule.

9 (b) An annual fee of \$260.00 is required for a permit related
10 solely to a storm water discharge associated with industrial
11 activity or from a commercial site for which the department
12 determines a permit is needed.

13 (c) An annual fee of \$500.00 is required for a permit for a
14 municipal separate storm sewer system, unless the permit is issued
15 to a city, a village, a township, or a county or is a single permit
16 authorization for municipal separate storm sewer systems in
17 multiple locations statewide.

18 (d) An annual fee for a permit for a municipal separate storm
19 sewer system issued to a city, village, or township shall be
20 determined by its population in an urbanized area as defined by the
21 United States Bureau of the Census. The fee shall be based on the
22 latest available decennial census as follows:

23 (i) For a population of 1,000 people or fewer, the annual fee
24 is \$500.00.

25 (ii) For a population of more than 1,000 people, but fewer
26 than 3,001 people, the annual fee is \$1,000.00.

27 (iii) For a population of more than 3,000 people, but fewer

1 than 10,001 people, the annual fee is \$2,000.00.

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

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

6 (vi) For a population of more than 50,000 people, but fewer
7 than 75,001 people, the annual fee is \$5,000.00.

8 (vii) For a population of more than 75,000 people, but fewer
9 than 100,001 people, the annual fee is \$6,000.00.

10 (viii) For a population of more than 100,000 people, the
11 annual fee is \$7,000.00.

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

14 (f) An annual fee for a single municipal separate storm sewer
15 systems permit authorizing a state or federal agency to operate
16 municipal separate storm sewer systems in multiple locations
17 statewide shall be determined in accordance with a memorandum of
18 understanding between that state or federal agency and the
19 department and shall be based on the projected needs by the
20 department to administer the permit.

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

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

27 (4) A person possessing a permit not related solely to a site

1 of construction activity as of January 1 shall be assessed a fee.
2 The department shall notify those persons of their fee assessments
3 by February 1. Payment shall be postmarked no later than March 15.
4 Failure by the department to send a fee assessment notification by
5 the deadline, or failure of a person to receive a fee assessment
6 notification, does not relieve that person of his or her obligation
7 to pay the fee. If the department does not meet the February
8 deadline for sending the fee assessment, the fee assessment is due
9 not later than 45 days after the permittee receives a fee
10 notification.

11 (5) If a storm water permit is issued for a drainage district,
12 the drainage district is responsible for the applicable fee under
13 this section.

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

18 (7) The department shall forward all fees and interest
19 payments collected under this section to the state treasurer for
20 deposit into the fund.

21 (8) The department shall make payment of the required fee
22 assessed under this section a condition of issuance or reissuance
23 of a permit not related solely to a site of construction activity.

24 (9) In addition to any other penalty provided in this part, if
25 a person fails to pay the fee required under this section by its
26 due date, the person is in violation of this part and the
27 department may undertake enforcement actions as authorized under

1 this part.

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

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

9 (12) A person who wishes to appeal either a fee or a penalty
10 assessed under this section is limited to an administrative appeal,
11 in accordance with section 631 of the revised judicature act of
12 1961, 1961 PA 236, MCL 600.631. The appeal shall be filed within 30
13 days of the department's fee notification under subsection (4).

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

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

17 (b) "Clean water act" means the federal water pollution
18 control act, 33 USC 1251 to ~~1387~~**1376**.

19 (c) "Construction activity" means a human-made earth change or
20 disturbance in the existing cover or topography of land that is 5
21 acres or more in size, for which a national permit is required
22 pursuant to 40 CFR 122.26(a), and which is described as a
23 construction activity in 40 CFR ~~122.26(b)-(14)(x)~~**122.26(B)(14)(X)**.
24 Construction activity includes clearing, grading, and excavating
25 activities. Construction activity does not include the practice of
26 clearing, plowing, tilling soil, and harvesting for the purpose of
27 crop production.

1 (d) "Fee" means a storm water discharge fee authorized under
2 this section.

3 (e) "Fund" means the storm water fund created in section 3119.

4 (f) "General permit" means a permit issued authorizing a
5 category of similar discharges.

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

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

22 (i) "Notice of coverage" means a notice that a person engaging
23 in construction activity agrees to comply with a permit by rule for
24 that activity. **A NOTICE OF COVERAGE IS NOT REQUIRED TO INCLUDE A**
25 **COPY OF AN INDIVIDUAL PERMIT ISSUED UNDER PART 91 IF THE NOTICE OF**
26 **COVERAGE INCLUDES A COPY OF A PERMIT FOR THE CONSTRUCTION ACTIVITY**
27 **ISSUED UNDER PART 615, 625, 631, 632, OR 634, ALONG WITH ANY FORMS**

OR DIAGRAMS PERTAINING TO SOIL EROSION AND SEDIMENTATION CONTROL
THAT WERE PART OF THE APPLICATION FOR THAT PERMIT.

(j) "Permit" or "storm water discharge permit" means a permit authorizing the discharge of wastewater or any other substance to surface waters of the state under the national pollutant discharge elimination system, pursuant to the clean water act or this part and the rules and regulations promulgated under that act or this part.

(k) "Public body" means the United States, ~~the state of Michigan,~~ **THIS STATE**, a city, village, township, county, school district, public college or university, or single purpose governmental agency, or any other body that is created by federal or state statute or law.

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

(i) The system is not a combined sewer where storm water mixes with sanitary wastes.

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

(m) "Storm water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.

(n) "Storm water discharge associated with industrial activity" means a point source discharge of storm water from a facility that is defined as an industrial activity under 40 CFR

~~122.26(b)(14)(i) to (ix) and (xi).~~ **122.26(B)(14)(I) TO (IX) AND**

1 (XI).

2 Sec. 9115. (1) Subject to subsection (2), a person engaged in
3 the logging industry, the mining industry, or the plowing or
4 tilling of land for the purpose of crop production or the
5 harvesting of crops is not required to obtain a permit under this
6 part. However, all earth changes associated with the activities
7 listed in this section shall conform to the same standards as if
8 they required a permit under this part. The exemption from
9 obtaining a permit under this subsection does not include either of
10 the following:

11 (a) Access roads to and from the site where active mining or
12 logging is taking place.

13 (b) Ancillary activities associated with logging and mining.

14 (2) This part does not apply to a metallic mineral mining
15 activity that is regulated under a mining and reclamation plan
16 **UNDER PART 631 OR 634** or a mining, reclamation, and environmental
17 protection plan **UNDER PART 632**, if the plan contains soil erosion
18 and sedimentation control provisions and is approved by the
19 department. ~~under part 631 or 632, respectively.~~

20 (3) A person is not required to obtain a permit from a county
21 enforcing agency or a municipal enforcing agency for earth changes
22 associated with well locations, surface facilities, flowlines, or
23 access roads relating to oil or gas exploration and development
24 activities regulated under part 615 **OR MINERAL WELL EXPLORATION AND**
25 **DEVELOPMENT ACTIVITIES REGULATED UNDER PART 625**, if the application
26 for a permit to drill and operate ~~under part 615~~ contains a soil
27 erosion and sedimentation control plan that is approved by the

1 department under part 615 **OR 625**. However, those earth changes
2 shall conform to the same standards as required for a permit under
3 this part. This subsection does not apply to a multisource
4 commercial hazardous waste disposal well as defined in section
5 62506a.

6 (4) As used in this section, "mining" does not include the
7 removal of clay, gravel, sand, peat, or topsoil.

8 Sec. 63201. As used in this part:

9 (a) "Administratively complete" ~~means~~ **DESCRIBES** an application
10 for a mining permit under this part that ~~is determined by the~~
11 ~~department to contain~~ **CONTAINS** all of the documents and information
12 required under this part and any rules promulgated under this part.

13 (b) "Affected area" means an area outside of the mining area
14 where the land surface, surface water, groundwater, or air
15 resources are determined through an environmental impact assessment
16 to be potentially affected by mining operations within the proposed
17 mining area.

18 (c) "Department" means the department of environmental
19 quality.

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

23 (e) "Fund" means the nonferrous metallic mineral surveillance
24 fund created in section 63217.

25 (f) "Metallic product" means a commercially salable mineral
26 produced primarily for its nonferrous metallic mineral content in
27 its final marketable form or state.

(g) "Mining", **EXCEPT AS PROVIDED IN SUBDIVISION (H)**, means the excavation or removal of more than 10,000 tons of earth material **IN** a **CALENDAR** year or disturbing more than 1 acre of land **IN** a **CALENDAR** year in the regular operation of a business for the purpose of extracting a nonferrous metallic mineral or minerals by 1 or both of the following:

(i) Removing the overburden lying above natural deposits of a mineral and excavating directly from the natural deposits thus exposed or by excavating directly from deposits lying exposed in their natural state.

(ii) Excavating from below the surface of the ground by means of shafts, tunnels, or other subsurface openings.

(H) MINING DOES NOT INCLUDE AN OPERATION THAT IS SUBJECT TO PART 634.

(I) ~~(h)~~—"Mining area" means an area of land from which earth material is removed in connection with nonferrous metallic mineral mining, the lands on which material from that mining is stored or deposited, the lands on which beneficiating or treatment plants and auxiliary facilities are located, the lands on which the water reservoirs used in the nonferrous metallic mineral mining process are located, and auxiliary lands that are used in connection with the mining.

(J) ~~(i)~~—"Mining permit" means a permit issued under this part for conducting nonferrous metallic mineral mining and reclamation operations.

(K) ~~(j)~~—"Nonferrous metallic mineral" means any ore or material to be excavated from the natural deposits on or in the

1 earth for its metallic content, but not primarily for its iron or
2 iron mineral content, to be used for commercial or industrial
3 purposes.

4 (I) ~~(k)~~—"Nonferrous metallic mineral operator" or "operator"
5 means a permittee or other person who is engaged in, or who is
6 preparing to engage in, mining operations for nonferrous metallic
7 minerals, whether individually or jointly, or through agents,
8 employees, or contractors.

9 (M) ~~(l)~~—"Permittee" means a person who holds a mining permit.

10 (N) ~~(m)~~—"Postclosure monitoring period" means a period
11 following closure of a nonferrous metallic mineral mine during
12 which the permittee is required to conduct monitoring of
13 groundwater and surface water.

14 (O) ~~(n)~~—"Stockpile" means material, including, but not limited
15 to, surface overburden, rock, or lean ore, that in the process of
16 mining and beneficiation or treatment has been removed from the
17 earth and stored on the surface. Stockpile does not include
18 materials that are being treated in the production of metallic
19 products and the metallic product that has been produced by that
20 operation.

21 (P) ~~(o)~~—"Tailings basin" means land on which is deposited, by
22 hydraulic or other means, the material that is separated from the
23 metallic product in the beneficiation or treatment of minerals
24 ~~including~~ **AND INCLUDES** any surrounding dikes constructed to contain
25 the material.

26 **PART 634**

27 **SMALL NATIVE COPPER MINES**

1 SEC. 63401. AS USED IN THIS PART:

2 (A) "ADMINISTRATIVELY COMPLETE" REFERS TO AN APPLICATION FOR A
3 MINING PERMIT UNDER THIS PART THAT INCLUDES THE FEE AND ALL OF THE
4 DOCUMENTS AND OTHER INFORMATION REQUIRED UNDER THIS PART AND ANY
5 RULES PROMULGATED UNDER THIS PART.

6 (B) "CONFORMANCE BOND" MEANS A SURETY BOND THAT HAS BEEN
7 EXECUTED BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THIS
8 STATE, CASH, A CERTIFICATE OF DEPOSIT, A LETTER OF CREDIT, OR OTHER
9 SECURITY FILED BY A PERSON AND ACCEPTED BY THE DEPARTMENT TO ENSURE
10 COMPLIANCE WITH THIS PART OR RULES PROMULGATED UNDER THIS PART.

11 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
12 QUALITY.

13 (D) "FUND" MEANS THE SMALL NATIVE COPPER MINE SURVEILLANCE
14 FUND CREATED IN SECTION 63415.

15 (E) "LIFE OF THE MINE" MEANS THE PERIOD FROM INITIATION OF
16 MINING ACTIVITIES THROUGH THE COMPLETION OF RECLAMATION.

17 (F) "MINE" OR "MINING" MEANS AN OPERATION TO EXCAVATE OR
18 REMOVE EARTH MATERIAL THAT GENERATES NOT LESS THAN 10,000 TONS AND
19 NOT MORE THAN 75,000 TONS OF WASTE ROCK IN A CALENDAR YEAR OR
20 DISTURBS NOT LESS THAN 1 ACRE AND NOT MORE THAN 10 ACRES OF LAND IN
21 A CALENDAR YEAR IN THE REGULAR OPERATION OF A BUSINESS FOR THE
22 PRIMARY PURPOSE OF EXTRACTING NATIVE COPPER BY 1 OR BOTH OF THE
23 FOLLOWING:

24 (i) REMOVING THE OVERBURDEN LYING ABOVE NATURAL DEPOSITS OF
25 NATIVE COPPER AND EXCAVATING DIRECTLY FROM THE NATURAL DEPOSITS
26 THUS EXPOSED OR BY EXCAVATING DIRECTLY FROM DEPOSITS LYING EXPOSED
27 IN THEIR NATURAL STATE.

1 (ii) EXCAVATING FROM BELOW THE SURFACE OF THE GROUND BY MEANS
2 OF SHAFTS, TUNNELS, OR OTHER SUBSURFACE OPENINGS.

3 (G) "MINING ACTIVITY" MEANS ANY OF THE FOLLOWING ACTIVITIES
4 WITHIN A MINING AREA FOR THE PURPOSE OF, OR ASSOCIATED WITH,
5 MINING:

6 (i) CLEARING AND GRADING OF LAND.

7 (ii) DRILLING AND BLASTING.

8 (iii) EXCAVATION OF EARTH MATERIALS TO ACCESS OR REMOVE ORE.

9 (iv) CRUSHING, GRINDING, OR SEPARATION ACTIVITIES.

10 (v) RECLAMATION.

11 (vi) TRANSPORTATION OF OVERBURDEN, WASTE ROCK, ORE, AND
12 TAILINGS WITHIN THE MINING AREA.

13 (vii) STORAGE, RELOCATION, AND DISPOSAL OF OVERBURDEN, WASTE
14 ROCK, ORE, AND TAILINGS WITHIN A MINING AREA, INCLUDING BACKFILLING
15 OF MINED AREAS.

16 (viii) CONSTRUCTION OF WATER IMPOUNDMENT AND DRAINAGE
17 FEATURES.

18 (ix) CONSTRUCTION OF HAUL ROADS.

19 (x) CONSTRUCTION OF UTILITIES OR EXTENSION OF EXISTING
20 UTILITIES.

21 (xi) WITHDRAWAL, TRANSPORTATION, AND DISCHARGE OF WATER IN
22 CONNECTION WITH MINING.

23 (H) "MINING AREA" MEANS ALL OF THE FOLLOWING:

24 (i) LAND FROM WHICH MATERIAL IS REMOVED BY SURFACE OR OPEN PIT
25 MINING METHODS.

26 (ii) LAND ON WHICH ADITS, SHAFTS, OR OTHER OPENINGS BETWEEN
27 THE LAND SURFACE AND UNDERGROUND MINE WORKINGS ARE LOCATED.

1 (iii) LAND ON WHICH MATERIAL FROM MINING IS DEPOSITED.

2 (iv) LAND ON WHICH CRUSHING, GRINDING, OR SEPARATION
3 FACILITIES ARE LOCATED.

4 (v) LAND ON WHICH WATER RESERVOIRS USED IN CONNECTION WITH
5 MINING ARE LOCATED.

6 (I) "MINING PERMIT" OR "PERMIT" MEANS A PERMIT ISSUED UNDER
7 SECTION 63405 FOR CONDUCTING MINING ACTIVITIES.

8 (J) "NATIVE COPPER" MEANS COPPER IN ITS ELEMENTAL FORM.

9 (K) "OPERATOR" MEANS A PERSON THAT IS ENGAGED IN OR PREPARING
10 TO ENGAGE IN MINING ACTIVITIES, WHETHER INDIVIDUALLY OR JOINTLY, OR
11 THROUGH AGENTS, EMPLOYEES, OR CONTRACTORS, AND THAT HAS OVERALL
12 RESPONSIBILITY FOR THE MINING ACTIVITIES.

13 (I) "PERMITTEE" MEANS A PERSON THAT HOLDS A MINING PERMIT.

14 (M) "WASTE ROCK" MEANS EARTH MATERIAL THAT IS EXCAVATED DURING
15 MINING, FROM WHICH THE ECONOMICALLY RECOVERABLE NATIVE COPPER HAS
16 BEEN SEPARATED, AND THAT IS STORED ON THE SURFACE FOR 1 YEAR OR
17 MORE. WASTE ROCK DOES NOT INCLUDE EARTH MATERIAL FROM EXCAVATION OR
18 GRADING DONE IN PREPARATION FOR COMMENCEMENT OF MINING.

19 SEC. 63403. (1) THE DEPARTMENT SHALL ADMINISTER AND ENFORCE
20 THIS PART. IN ADDITION TO OTHER POWERS GRANTED TO IT, THE
21 DEPARTMENT MAY PROMULGATE RULES IT CONSIDERS NECESSARY TO CARRY OUT
22 ITS DUTIES UNDER THIS PART.

23 (2) THE DEPARTMENT MAY ENTER AT ANY REASONABLE TIME IN OR UPON
24 A MINING AREA FOR THE PURPOSE OF INSPECTING AND INVESTIGATING
25 CONDITIONS RELATING TO MINING ACTIVITIES.

26 (3) SUBJECT TO SUBSECTIONS (4) AND (5), A LOCAL UNIT OF
27 GOVERNMENT SHALL NOT REGULATE OR CONTROL MINING OR RECLAMATION

1 ACTIVITIES THAT ARE SUBJECT TO THIS PART, INCLUDING CONSTRUCTION,
2 OPERATION, CLOSURE, POSTCLOSURE MONITORING, RECLAMATION, AND
3 REMEDIATION ACTIVITIES, AND DOES NOT HAVE JURISDICTION CONCERNING
4 THE ISSUANCE OF PERMITS FOR THOSE ACTIVITIES.

5 (4) A LOCAL UNIT OF GOVERNMENT MAY ENACT, MAINTAIN, AND
6 ENFORCE ORDINANCES OR REGULATIONS RESTRICTING BLASTING, CRUSHING,
7 AND GRINDING ACTIVITIES TO THE HOURS OF 6 A.M. TO 9 P.M. IF THERE
8 IS A RESIDENTIAL BUILDING WHERE PEOPLE ARE USUALLY PRESENT AT LEAST
9 4 HOURS PER DAY WITHIN 660 FEET OF THE MINING AREA AT THE TIME A
10 PERMIT APPLICATION IS RECEIVED BY THE DEPARTMENT.

11 (5) ANY ORDINANCES OR REGULATIONS UNDER SUBSECTION (4) SHALL
12 BE REASONABLE IN ACCOMMODATING CUSTOMARY MINING ACTIVITIES AND
13 SHALL NOT DUPLICATE, CONTRADICT, OR CONFLICT WITH THIS PART.

14 (6) IF A LOCAL UNIT OF GOVERNMENT SUBMITS A REQUEST TO THE
15 DEPARTMENT THAT INCLUDES A DEMONSTRATION OF A SUBSTANTIATED CONCERN
16 OF WATER CONTAMINATION AT AN IDENTIFIED RECEPTOR POINT FROM A
17 MINING ACTIVITY, THE DEPARTMENT SHALL REQUIRE THE PERMITTEE TO
18 COLLECT AND ANALYZE 1 OR MORE WATER QUALITY SAMPLES. IF THE
19 RECEPTOR POINT IS A WATER SUPPLY WELL, THE SAMPLE OR SAMPLES SHALL
20 BE COLLECTED FROM GROUNDWATER AT A POINT BETWEEN THE MINING
21 ACTIVITY AND THE WATER SUPPLY WELL. IF THE RECEPTOR POINT IS A
22 SURFACE WATER BODY, THE SAMPLE OR SAMPLES SHALL BE COLLECTED FROM
23 THE SURFACE WATER BODY AT ITS NEAREST POINT IMMEDIATELY
24 DOWNGRAIENT FROM THE MINING ACTIVITY. THE SAMPLE OR SAMPLES SHALL
25 BE ANALYZED FOR THE FOLLOWING MINIMUM PARAMETERS USING LABORATORY
26 METHODS APPROVED BY THE UNITED STATES ENVIRONMENTAL PROTECTION
27 AGENCY:

1 (A) TOTAL DISSOLVED SOLIDS.

2 (B) COPPER.

3 (C) NITRATE.

4 SEC. 63405. (1) A PERSON SHALL NOT ENGAGE IN MINING ACTIVITIES
5 EXCEPT AS AUTHORIZED BY A MINING PERMIT ISSUED BY THE DEPARTMENT. A
6 SEPARATE MINING PERMIT IS REQUIRED FOR EACH MINE.

7 (2) AN APPLICATION FOR A MINING PERMIT SHALL BE SUBMITTED BY
8 THE OPERATOR TO THE DEPARTMENT ON A FORM PRESCRIBED BY THE
9 DEPARTMENT. THE APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:

10 (A) A PERMIT APPLICATION FEE OF \$5,000.00. THE DEPARTMENT
11 SHALL FORWARD ALL PERMIT APPLICATION FEES RECEIVED UNDER THIS
12 SECTION TO THE STATE TREASURER FOR DEPOSIT IN THE FUND.

13 (B) PROVISIONS FOR A CONFORMANCE BOND AS DESCRIBED IN SECTION
14 63409.

15 (C) A MINING AND RECLAMATION PLAN AS DESCRIBED IN SUBSECTION
16 (3).

17 (3) THE MINING AND RECLAMATION PLAN REQUIRED IN SUBSECTION (2)
18 SHALL INCLUDE ALL OF THE FOLLOWING:

19 (A) A MAP OR MAPS SHOWING THE LOCATIONS AND DIMENSIONS OF THE
20 FOLLOWING:

21 (i) PROPOSED ADITS, SHAFTS, UNDERGROUND MINE WORKINGS, AND
22 SURFACE PITS.

23 (ii) PROPOSED OVERBURDEN, WASTE ROCK, AND ORE STOCKPILES.

24 (iii) ANY CRUSHING, GRINDING, OR SEPARATION EQUIPMENT THAT
25 WILL BE UTILIZED.

26 (B) A DESCRIPTION OF THE MINING METHODS THAT WILL BE UTILIZED.

27 (C) PLANS AND DESCRIPTIONS OF MEASURES THAT WILL MINIMIZE SOIL

1 EROSION AND SEDIMENTATION DURING MINING ACTIVITIES.

2 (D) A MAP AND DESCRIPTION OF FENCING OR OTHER TECHNIQUES TO
3 MINIMIZE PUBLIC SAFETY HAZARDS.

4 (E) PLANS AND SCHEDULES FOR RECLAMATION OF THE MINING AREA
5 FOLLOWING CESSATION OF MINING ACTIVITIES. THE PLANS AND SCHEDULES
6 SHALL PROVIDE FOR GRADING, REVEGETATION, AND STABILIZATION THAT
7 WILL DO ALL OF THE FOLLOWING:

8 (i) MINIMIZE SOIL EROSION AND SEDIMENTATION.

9 (ii) PROTECT PUBLIC SAFETY.

10 (iii) ESTABLISH CONDITIONS THAT PROMOTE FUTURE BENEFICIAL USE
11 AND DO NOT REQUIRE PERPETUAL CARE.

12 (F) PLANS AND SCHEDULES FOR BASELINE WATER QUALITY SAMPLING.
13 THE BASELINE WATER QUALITY SAMPLING SHALL CONSIST OF COLLECTION OF
14 SAMPLES FROM AVAILABLE WATER SUPPLY WELLS, UP TO A MAXIMUM OF 5,
15 WITHIN 1,320 FEET OF THE PROPOSED MINING AREA, AND FROM THE NEAREST
16 SURFACE WATER BODY, IF ANY, WITHIN 1,320 FEET. THE SAMPLES SHALL BE
17 ANALYZED FOR THE FOLLOWING MINIMUM PARAMETERS USING LABORATORY
18 METHODS APPROVED BY THE UNITED STATES ENVIRONMENTAL PROTECTION
19 AGENCY:

20 (i) TOTAL DISSOLVED SOLIDS.

21 (ii) COPPER.

22 (iii) NITRATE.

23 (4) WITHIN 14 DAYS AFTER RECEIVING AN APPLICATION FOR A MINING
24 PERMIT, THE DEPARTMENT SHALL PUBLISH NOTICE OF THE APPLICATION IN A
25 NEWSPAPER OF LOCAL DISTRIBUTION IN THE AREA OF THE PROPOSED MINE
26 AND SHALL POST A COPY OF THE APPLICATION ON ITS WEBSITE.

27 (5) EFFECTIVE 14 DAYS AFTER THE DEPARTMENT RECEIVES AN

1 APPLICATION FOR A MINING PERMIT, THE APPLICATION SHALL BE
2 CONSIDERED TO BE ADMINISTRATIVELY COMPLETE UNLESS THE DEPARTMENT
3 PROCEEDS AS PROVIDED UNDER SUBSECTION (6).

4 (6) IF, BEFORE THE EXPIRATION OF THE 14-DAY PERIOD UNDER
5 SUBSECTION (5), THE DEPARTMENT NOTIFIES THE APPLICANT THAT THE
6 APPLICATION IS NOT ADMINISTRATIVELY COMPLETE, SPECIFYING THE
7 INFORMATION OR FEE NECESSARY TO MAKE THE APPLICATION
8 ADMINISTRATIVELY COMPLETE, THE RUNNING OF THE 14-DAY PERIOD UNDER
9 SUBSECTION (5) IS TOLLED UNTIL THE APPLICANT SUBMITS TO THE
10 DEPARTMENT THE SPECIFIED INFORMATION OR FEE.

11 (7) SUBJECT TO SUBSECTION (8), THE DEPARTMENT SHALL GRANT OR
12 DENY A MINING PERMIT WITHIN 45 DAYS AFTER AN APPLICATION IS
13 CONSIDERED OR DETERMINED TO BE ADMINISTRATIVELY COMPLETE UNDER
14 SUBSECTION (5) OR (6). IF A MINING PERMIT IS DENIED, THE REASONS
15 SHALL BE STATED IN A WRITTEN REPORT TO THE APPLICANT.

16 (8) IF THE DEPARTMENT DETERMINES THAT INFORMATION IN THE
17 APPLICATION IS INSUFFICIENT TO DETERMINE WHETHER A PERMIT MAY BE
18 GRANTED, THE DEPARTMENT MAY REQUEST ADDITIONAL INFORMATION OR
19 CLARIFICATION FROM THE APPLICANT. THE 45-DAY PERIOD UNDER
20 SUBSECTION (7) IS TOLLED UNTIL THE APPLICANT SUBMITS THE REQUESTED
21 INFORMATION.

22 SEC. 63407. (1) A MINING PERMIT IS VALID FOR THE LIFE OF THE
23 MINE. HOWEVER, THE DEPARTMENT MAY REVOKE A PERMIT IF THE PERMITTEE
24 HAS NOT COMMENCED MINING ACTIVITIES COVERED BY THE PERMIT WITHIN 3
25 YEARS AFTER THE DATE OF ISSUANCE OF THE PERMIT.

26 (2) THE DEPARTMENT MAY TERMINATE A MINING PERMIT UPON REQUEST
27 OF THE PERMITTEE IF THE DEPARTMENT DETERMINES THAT THE PERMITTEE

1 HAS COMPLIED WITH ALL APPLICABLE PROVISIONS OF THIS PART.

2 (3) A MINING PERMIT MAY BE TRANSFERRED WITH APPROVAL OF THE
3 DEPARTMENT. THE PERSON SEEKING TO ACQUIRE THE PERMIT SHALL SUBMIT A
4 REQUEST FOR TRANSFER OF THE PERMIT TO THE DEPARTMENT ON FORMS
5 PROVIDED BY THE DEPARTMENT. THE PERSON ACQUIRING THE PERMIT SHALL
6 ACCEPT THE CONDITIONS OF THE EXISTING PERMIT AND ADHERE TO THE
7 REQUIREMENTS SET FORTH IN THE APPROVED MINING AND RECLAMATION PLAN
8 AND PROVIDE A CONFORMANCE BOND AS SET FORTH IN SECTION 63409.
9 PENDING THE TRANSFER OF THE EXISTING PERMIT, THE PERSON SEEKING TO
10 ACQUIRE THE PERMIT SHALL NOT OPERATE THE MINE.

11 (4) A MINING PERMIT SHALL NOT BE TRANSFERRED TO A PERSON WHO
12 HAS BEEN DETERMINED BY THE DEPARTMENT TO BE IN VIOLATION OF THIS
13 PART, RULES PROMULGATED UNDER THIS PART, OR A CONDITION OF A PERMIT
14 ISSUED UNDER THIS PART, UNTIL THE PERSON ACQUIRING THE PERMIT HAS
15 CORRECTED THE VIOLATION OR THE DEPARTMENT HAS ACCEPTED A COMPLIANCE
16 SCHEDULE AND A WRITTEN AGREEMENT HAS BEEN REACHED TO CORRECT THE
17 VIOLATIONS.

18 (5) IF THE PERMITTEE HAS BEEN NOTIFIED BY THE DEPARTMENT OF A
19 VIOLATION OF THIS PART, RULES PROMULGATED UNDER THIS PART, OR A
20 CONDITION OF THE PERMIT ISSUED UNDER THIS PART AT THE MINING AREA
21 INVOLVED IN THE TRANSFER, THEN THE MINING PERMIT SHALL NOT BE
22 TRANSFERRED TO A PERSON UNTIL THE PERMITTEE HAS COMPLETED THE
23 NECESSARY CORRECTIVE ACTIONS OR THE PERSON ACQUIRING THE PERMIT HAS
24 ENTERED INTO A WRITTEN CONSENT AGREEMENT TO CORRECT THE VIOLATION.

25 (6) A MINING PERMIT MAY BE AMENDED UPON SUBMISSION TO THE
26 DEPARTMENT OF A REQUEST BY THE PERMITTEE. THE DEPARTMENT SHALL
27 DETERMINE WHETHER THE REQUESTED AMENDMENT CONSTITUTES A SIGNIFICANT

1 CHANGE TO THE MINING AND RECLAMATION PLAN. IF THE DEPARTMENT
2 DETERMINES THAT THE REQUESTED AMENDMENT CONSTITUTES A SIGNIFICANT
3 CHANGE, THE DEPARTMENT SHALL SUBMIT THE REQUEST FOR AMENDMENT TO
4 THE SAME REVIEW PROCESS AS PROVIDED FOR A NEW PERMIT APPLICATION IN
5 SECTION 63405(4) TO (8). IF THE DEPARTMENT DETERMINES THAT THE
6 REQUESTED AMENDMENT DOES NOT CONSTITUTE A SIGNIFICANT CHANGE, THE
7 DEPARTMENT SHALL APPROVE THE REQUEST WITHIN 14 DAYS AFTER RECEIVING
8 THE REQUEST.

9 SEC. 63409. (1) FOR EACH MINE, AN OPERATOR SHALL MAINTAIN A
10 CONFORMANCE BOND IN THE AMOUNT OF \$50,000.00 DURING MINING
11 ACTIVITIES AND UNTIL THE DEPARTMENT DETERMINES THAT ALL RECLAMATION
12 HAS BEEN COMPLETED IN COMPLIANCE WITH THE MINING PERMIT.

13 (2) IF AN OPERATOR VIOLATES SUBSECTION (1), THE DEPARTMENT MAY
14 ORDER IMMEDIATE SUSPENSION OF MINING ACTIVITIES, INCLUDING THE
15 REMOVAL OF NATIVE COPPER FROM THE SITE.

16 SEC. 63411. (1) AN OPERATOR SHALL COMPLY WITH ALL OTHER
17 APPLICABLE REQUIREMENTS OF THIS ACT.

18 (2) AN OPERATOR SHALL CONDUCT MINING ACTIVITIES AT A MINING
19 AREA IN CONFORMANCE WITH THE APPROVED MINING AND RECLAMATION PLAN.

20 (3) IF MINING ACTIVITIES ARE SUSPENDED FOR A CONTINUOUS PERIOD
21 EXCEEDING 240 DAYS, THE OPERATOR SHALL MAINTAIN, MONITOR, AND
22 SECURE THE MINING AREA AND SHALL CONDUCT ANY INTERIM SLOPING OR
23 STABILIZING OF SURFACES NECESSARY TO PROTECT THE ENVIRONMENT,
24 NATURAL RESOURCES, OR PUBLIC HEALTH AND SAFETY IN ACCORDANCE WITH
25 THE MINING PERMIT.

26 (4) SUBJECT TO SUBSECTION (5), AN OPERATOR SHALL BEGIN FINAL
27 RECLAMATION OF A MINING AREA WITHIN 3 YEARS AFTER THE DATE OF

1 CESSATION OF OTHER MINING ACTIVITIES AND SHALL COMPLETE RECLAMATION
2 WITHIN THE TIME SET FORTH IN THE MINING AND RECLAMATION PLAN
3 APPROVED BY THE DEPARTMENT.

4 (5) UPON WRITTEN REQUEST OF THE OPERATOR, THE DEPARTMENT MAY
5 APPROVE AN EXTENSION OF TIME TO BEGIN OR COMPLETE FINAL
6 RECLAMATION.

7 (6) COMPLIANCE WITH THIS PART DOES NOT RELIEVE A PERSON OF THE
8 RESPONSIBILITY TO COMPLY WITH ALL OTHER APPLICABLE STATE OR FEDERAL
9 STATUTES OR REGULATIONS.

10 SEC. 63413. (1) FOR PURPOSES OF SURVEILLANCE, MONITORING,
11 ADMINISTRATION, AND ENFORCEMENT OF THIS PART, AN OPERATOR SHALL PAY
12 THE DEPARTMENT BY FEBRUARY 15 EACH YEAR AN OPERATING FEE OF
13 \$5,000.00 FOR EACH MINE WHERE MINING ACTIVITIES WERE ONGOING AS OF
14 DECEMBER 31 OF THE PREVIOUS YEAR. THE FEE IS DUE EACH YEAR UNTIL
15 THE MINING ACTIVITIES CEASE AND THE DEPARTMENT HAS RELEASED THE
16 CONFORMANCE BOND.

17 (2) A PENALTY EQUAL TO 2% OF THE AMOUNT DUE SHALL BE ASSESSED
18 AGAINST THE OPERATOR FOR EACH MONTH OR PART OF A MONTH DURING WHICH
19 AN OPERATING FEE HAS NOT BEEN PAID AFTER THE DUE DATE.

20 (3) THE DEPARTMENT SHALL FORWARD ALL ANNUAL OPERATING FEES AND
21 PENALTIES COLLECTED UNDER THIS SECTION TO THE STATE TREASURER FOR
22 DEPOSIT IN THE FUND.

23 SEC. 63415. (1) THE SMALL NATIVE COPPER MINE SURVEILLANCE FUND
24 IS CREATED WITHIN THE STATE TREASURY.

25 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
26 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL
27 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT

1 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

2 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
3 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

4 (4) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
5 APPROPRIATION, ONLY FOR SURVEILLANCE, MONITORING, ADMINISTRATION,
6 AND ENFORCEMENT UNDER THIS PART.

7 SEC. 63417. (1) IF THE DEPARTMENT DETERMINES THAT AN OPERATOR
8 HAS FAILED OR NEGLECTED TO PERFORM RECLAMATION IN CONFORMANCE WITH
9 THIS PART OR RULES PROMULGATED UNDER THIS PART, THE DEPARTMENT
10 SHALL GIVE NOTICE OF THIS DETERMINATION, IN WRITING, TO THE
11 OPERATOR AND TO THE SURETY EXECUTING THE CONFORMANCE BOND UNDER
12 SECTION 63409. THE NOTICE OF DETERMINATION MAY BE SERVED UPON THE
13 OPERATOR AND SURETY IN PERSON OR BY REGISTERED MAIL. IF THE
14 OPERATOR OR SURETY FAILS OR NEGLECTS TO PROPERLY COMMENCE THE
15 REQUIRED RECLAMATION WITHIN 90 DAYS AFTER THE DATE OF SERVICE OR
16 MAILING OF THE NOTICE OR FAILS TO PROCEED WITH RECLAMATION AT A
17 RATE THAT WILL CONCLUDE THE RECLAMATION WITHIN THE PERIOD SPECIFIED
18 IN THE MINING AND RECLAMATION PLAN, THE DEPARTMENT MAY ENTER INTO
19 AND UPON ANY PRIVATE OR PUBLIC PROPERTY ON WHICH THE MINING AREA IS
20 LOCATED AND UPON AND ACROSS ANY PRIVATE OR PUBLIC PROPERTY
21 NECESSARY TO REACH THE MINING AREA AND CONDUCT NECESSARY
22 RECLAMATION, AND THE OPERATOR AND SURETY ARE JOINTLY AND SEVERALLY
23 LIABLE FOR ALL EXPENSES INCURRED BY THE DEPARTMENT. THE DEPARTMENT
24 SHALL CERTIFY TO THE OPERATOR AND SURETY THE CLAIM OF THE STATE IN
25 WRITING, LISTING THE ITEMS OF EXPENSE INCURRED IN RECLAMATION. THE
26 CLAIM SHALL BE PAID BY THE OPERATOR OR SURETY WITHIN 30 DAYS, AND
27 IF IT IS NOT PAID WITHIN THAT TIME THE DEPARTMENT MAY BRING SUIT

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1 AGAINST THE OPERATOR OR SURETY, JOINTLY OR SEVERALLY, FOR THE
2 COLLECTION OF THE CLAIM IN ANY COURT OF COMPETENT JURISDICTION IN
3 THE COUNTY OF INGHAM.

4 (2) THE DEPARTMENT MAY ORDER IMMEDIATE SUSPENSION OF ANY
5 MINING ACTIVITIES IF THE DEPARTMENT FINDS THAT THERE EXISTS AN
6 EMERGENCY ENDANGERING THE PUBLIC HEALTH AND SAFETY OR AN IMMINENT
7 THREAT TO THE NATURAL RESOURCES OF THE STATE.

8 (3) AN ORDER SUSPENDING MINING ACTIVITIES UNDER SUBSECTION (2)
9 SHALL BE IN EFFECT UNTIL THE ENDANGERMENT TO THE PUBLIC HEALTH AND
10 SAFETY OR THE THREAT TO THE NATURAL RESOURCES HAS BEEN ELIMINATED,
11 BUT NOT MORE THAN 10 DAYS. TO EXTEND THE SUSPENSION BEYOND 10 DAYS,
12 THE DEPARTMENT SHALL ISSUE AN EMERGENCY ORDER TO CONTINUE THE
13 SUSPENSION OF MINING ACTIVITIES AND SHALL SCHEDULE A HEARING AS
14 PROVIDED BY THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,
15 MCL 24.201 TO 24.328. THE TOTAL DURATION OF THE SUSPENSION OF
16 ACTIVITIES SHALL NOT BE MORE THAN 30 DAYS.

17 (4) AT THE REQUEST OF THE DEPARTMENT, THE ATTORNEY GENERAL MAY
18 INSTITUTE AN ACTION IN A CIRCUIT COURT OF THE COUNTY IN WHICH THE
19 MINING AREA IS LOCATED FOR A RESTRAINING ORDER OR INJUNCTION OR
20 OTHER APPROPRIATE REMEDY TO PREVENT OR PRECLUDE A VIOLATION OF THIS
21 PART OR A RULE PROMULGATED UNDER THIS PART.

[SEC. 63418. MINING OF EARTH MATERIAL THAT HAS SIGNIFICANT ACID-
FORMING OR LEACHABLE CHARACTERISTICS IS NOT SUBJECT TO THIS PART.]

22 Enacting section 1. This amendatory act takes effect 90 days
23 after the date it is enacted into law.