

PERMIT REQUIREMENTS FOR DEVELOPMENT OF ENERGY
AND OTHER SELECTED NATURAL RESOURCES FOR THE
STATE OF MICHIGAN

PREPARED FOR
FOUR CORNERS REGIONAL COMMISSION
AND THE
U.S. GEOLOGICAL SURVEY

BY CAMP DRESSER AND MCKEE, INC.

Statements of opinion and/or recommendations are those of the authors and do not necessarily reflect the official opinion of the Four Corners Regional Commission, any of its members States, or the U.S. Geological Survey.

U.S. Geological Survey Open-File Report 81-1263

August 1981

ACKNOWLEDGMENTS

This guidebook was prepared under the direction of the U.S. Geological Survey (USGS) in cooperation with the Upper Great Lakes Regional Commission and the State of Michigan. Funding support for this project was provided by the USGS Environmental Affairs Office (EAO). Wilbert J. Ulman and James Frederick of the USGS Resource Planning and Analysis Office (RPAO) served respectively as Program Manager and Project Coordinator during the preparation of the guidebook. Both the RPAO and EAO are under the Office of Earth Sciences Applications (OESA). Gary Harms, Acting Executive Director of the Upper Great Lakes Regional Commission, acted as Project Manager. Cheryl Bartz, the Michigan Project Director for the Upper Great Lakes Regional Commission served as State Representative and provided valuable technical assistance. Camp Dresser and McKee, Inc. (CDM), of Wheat Ridge, Colorado, was responsible for compiling all available information and producing the final document. Margaret Colbert acted as Project Manager and Kelly R. White as Project Coordinator while the guidebook was prepared at CDM.

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PUBLICATION AVAILABILITY

This Michigan Permit Guide is available as an USGS Open-File Report #81-1263 from:

U.S. Geological Survey
Open-File Services Section
Branch of Distribution
Denver Federal Center
Box 25425
Denver, Colorado 80225

STATE PERMIT REQUIREMENTS FOR DEVELOPMENT OF
ENERGY AND OTHER SELECTED NATURAL RESOURCES

STATE PERMIT GUIDES WILL BE AVAILABLE BY JANUARY 1982
FROM, USGS OPEN-FILE SERVICES SECTION, BRANCH OF
DISTRIBUTION, BOX 25425, DENVER, COLORADO 80225

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Publication dates for all permit guides are from August to
December 1981

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SECTION 1.0
INTRODUCTION

INTRODUCTION

This guidebook is one of a series prepared for numerous States. The purpose of the guidebook is to summarize environmental and land-use permits issued by the State for the development of energy and other natural resources. The guidebook is intended not only for private developers and interest groups, but also for regulatory officials of Federal, State, and local government as well. THIS GUIDEBOOK INCLUDES STATE ISSUED PERMITS ONLY, AND DOES NOT INCLUDE FEDERAL PERMITS.

All State agencies having jurisdiction over the permits, licenses, and approvals described in this guidebook helped to prepare it, and they reviewed the final draft of each summary for accuracy and completeness. Users of this guidebook should be aware, however, that changes in the laws, rules and regulations, or regulatory personnel since the guidebook was published may cause significant changes in permit requirements.

The guidebook should not be construed as a legal document or a final authority on permits for the State of Michigan; it is not intended to be a comprehensive reference to the specific requirements of each permit, but to provide concise, easy-to-use information on the State regulations that govern the development of such resources. Before attempting to obtain a permit or begin any activity that might require a permit, you should contact the appropriate State agency for further details.

The guidebook is divided into seven sections. Sections 1.0, 2.0, and 7.0 discuss introductory information, consolidated permit programs for the State of Michigan, and local regulatory policies, respectively. The remaining sections discuss permits that apply to Resource Extraction, Land Use Regulation, Environmental Quality Management, and Social/Ecological Preservation. Each section is divided into chapters; each chapter summarizes one permit, license, or approval. Permits administered by a single agency are generally grouped together in each section.

Each permit is discussed in the standard format shown on pages 2 and 3.

STANDARD FORMAT FOR PERMIT SUMMARIES

CHAPTER 0.0

TITLE OF ACTIVITY ADDRESSED BY PERMIT, LICENSE OR APPROVAL

INTRODUCTION

Description of administering agency and its role

A. NAME OF PERMIT OR APPROVAL:

Complete name of permit or approval with notation indicating mandate by State (S) or Federal (F) government

B. STATUTORY AUTHORITY:

Title of State statutes authorizing permit and the legal citations of each with notation indicating pending changes (P) to the statute(s)

C. TITLE OF REGULATION:

Title of State regulation(s) which apply to permit with notation indicating pending changes (P) to the regulation(s)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

Summary of major steps involved in the permit/approval process

1. Applicability

Includes all types of activities which require the permit

2. General Requirements

Conditions which must be met by the project sponsor before a permit can be acquired; excluding Submissions or Operations Requirements

3. Submission Requirements

Types of information which the project sponsor must include in the application for the permit

CHAPTER 0.0 (concluded)

4. Procedures for Obtaining Permit or Approval

Includes information on items such as submittal procedures, completeness and technical review, public notice, comment and hearing periods, preliminary and final decisions, inspections, and processing times

5. Operations Requirements

Conditions which are established by the regulatory agency following permit approval and which must be met by the project sponsor in order to continue operations

6. Fees

Costs incurred for obtaining and maintaining the permit

7. Appeal Process

Process whereby decisions concerning permit approval/denial that are made by a regulatory agency can be appealed

E. ADMINISTERING AGENCY:

Name of the administering agency and its director, address, and telephone number

Name of the counterpart federal agency and its director, address, and telephone number

SECTION 2.0

STATE POLICY AND PROCEDURES
FOR CONSOLIDATED PERMIT PROGRAM

CHAPTER 2.1

STATE CLEARINGHOUSE OR ONE STOP PERMIT AGENCY

No State clearinghouse or one stop permit agency exists for a consolidated permit program in the State of Michigan at this time.

CHAPTER 2.2

STATE EQUIVALENT OF NEPA

Michigan has a State equivalent of the National Environmental Policy Act (NEPA), the Michigan Environmental Protection Act (MEPA).

MEPA, Act 127, Public Act 1970 applies to any activity which "...has, or is likely to pollute, impair or destroy the air, water or other natural resources or the public trust therein..." An action may be defended by demonstrating that "...there is no feasible and prudent alternative..." and that the action is "...consistent with the promotion of the public health, safety and welfare in light of the state's paramount concern for the protection of its natural resources from pollution, impairment or destruction."

MEPA suits can be filed by any person, organization, government body, or other legal entity. MEPA is supplemental to all other Michigan environmental laws.

SECTION 3.0
RESOURCE EXTRACTION

CHAPTER 3.1

PERMITS FOR OIL AND GAS DRILLING, SECONDARY RECOVERY, BRINE DISPOSAL, AND HYDROCARBON STORAGE

INTRODUCTION

The Geological Survey Division (GSD), within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing permits for oil and gas drilling, secondary recovery, brine disposal, and hydrocarbon storage, under the authority of Public Act 61 of 1939. The purpose of these permits is to regulate each of these activities for environmental protection.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Drill for Oil and Gas, Brine Disposal, Hydrocarbon Storage, or Secondary Recovery (S)

B. STATUTORY AUTHORITY:

- Public Act 61 of 1939, as amended

C. TITLE OF REGULATION:

- Public Act 61 of 1939, as amended
- Michigan Administrative Code, Section R299.1101

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Oil, gas, brine, and other wells require drilling permits

2. General Requirements

- A permit is required from GSD before drilling activity begins (application forms are available from the GSD)

3. Submission Requirements

- All data and information requested on the application form
- A survey record prepared by a registered surveyor

CHAPTER 3.1 (continued)

- Supplemental maps, plats, or drawings requested by GSD
 - Detailed environmental assessment
4. Procedures for Obtaining Permit or Approval
- Applicant submits application to GSD
 - Complete application is reviewed by staff, Oil and Gas Section
 - The appropriate regional and field offices review the application and conduct an on-site inspection
 - Other Divisions in the MDNR are notified and may review the proposed drilling operation if it is likely to impact on particular types of natural resources, e.g., water management, fisheries, wildlife
 - Based on MDNR review, the permit is either issued or denied
 - Estimated processing time varies with the amount of information required and the characteristics of the proposed site
5. Operations Requirements
- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit
6. Fees
- \$100.00 (fee is refundable if permit is not issued)
 - Bond
 - Single well - \$5,000
 - Blanket bond coverage - \$50,000
7. Appeal Process
- Public hearing before Supervisor of Wells and Advisory Board
 - Appeal to the Natural Resources Commission, then to Circuit Court

CHAPTER 3.1 (continued)

E. ADMINISTERING AGENCY:

Geological Survey Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1256

CHAPTER 3.2

WELL REWORK PERMIT

INTRODUCTION

The Geological Survey Division (GSD), within the Michigan Department of Natural Resources, has responsibility for issuing well rework permits, under the authority of Public Act 61 of 1939. The purpose of this permit is to regulate any changes in well status.

A. NAME OF PERMIT OR APPROVAL:

- Well Rework Permit (S)

B. STATUTORY AUTHORITY:

- Public Act 61 of 1939

C. TITLE OF REGULATION:

- Michigan Administrative Code, Section R299.1314

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- An owner of record of any well who wants to change the status of that well by any operation, such as plugging back, converting for brine disposal, converting for secondary recovery, repressurizing, flooding with gas or water, converting for use as an observation well, and stripping of casing strings, multiple completion, or otherwise changing the status of a well by any operation except additional acid or stimulation treatment

2. General Requirements

- Permit must be approved before rework operations commence
- Application forms are available from GSD

3. Submission Requirements

- Type of rework
- Plan for protecting any strata penetrated

CHAPTER 3.2 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to GSD
- The field geologist is responsible for reviewing the application and determining the possibility of detrimental side effects (it is important that the applicant set forth, in detail, the type of rework operation to be done and the plan for protecting any strata that will be penetrated)
- The field geologist reviews the original drilling application and supplemental materials in addition to the application to rework
- Final review and decision by GSD
- After the rework operation has been completed, the owner is required to submit a complete well rework record to GSD

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and stipulations set forth in the permit

6. Fees

- None

7. Appeal Process

- Public hearing before Supervisor of Wells and Advisory Board
- Appeal to the Natural Resources Commission, then to Circuit Court

E. ADMINISTERING AGENCY:

Geological Survey Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1256

CHAPTER 3.3

PERMIT TO DEEPEN OIL AND GAS WELLS

INTRODUCTION

The Geological Survey Division (GSD), within the Michigan Department of Natural Resources, has responsibility for issuing permits to deepen oil and gas wells, under the authority of Public Act 61 of 1939. The purpose of this permit is to determine if the effects of deepening will be detrimental to the original well, other wells in the vicinity, or property.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Deepen a Well for Oil, Gas, Brine Disposal, Hydrocarbon Storage, or Secondary Recovery (S)

B. STATUTORY AUTHORITY:

- Public Act 61 of 1939

C. TITLE OF REGULATION:

- Michigan Administrative Code, Section R299.1313

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- The owner of record of an existing oil or gas well must obtain a permit to deepen the well for the purpose of reworking, exploring deeper horizons for oil or gas, or for collection of other geological data

2. General Requirements

- Deepening permit must be approved before deepening operations commence
- Application forms are available from GSD

3. Submission Requirements

- Details of the current conditions of the wellbore
- Outlines of the proposed deepening and completion operations

CHAPTER 3.3 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to Oil and Gas Section, GSD
- GSD reviews the application and determines the probable impact of the deepening
- If the application is complete and it is determined there will be no detrimental effects to the original well, other wells in the vicinity, or property, the permit is issued

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and stipulations set forth in the permit

6. Fees

- None

7. Appeal Process

- Public hearing before Supervisor of Wells and Advisory Board
- Appeal to the Natural Resources Commission, then to Circuit Court

E. ADMINISTERING AGENCY:

Geological Survey Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1256

CHAPTER 3.4

REQUEST FOR CHANGE OF OWNERSHIP OF A WELL DRILLING PERMIT

INTRODUCTION

The Geological Survey Division (GSD), within the Michigan Department of Natural Resources, has responsibility for approving transfer of well drilling permits, under the authority of Public Act 61 of 1939. The purpose of this approval is to regulate the transfer of well permits to bonded owners or operators.

A. NAME OF PERMIT OR APPROVAL:

- Request for Change of Ownership of a Well Drilling Permit (S)

B. STATUTORY AUTHORITY:

- Public Act 61 of 1939

C. TITLE OF REGULATION:

- Michigan Administrative Code, Section R299.1105

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- When the owner of record to whom a permit is issued disposes of his interest in a well and wishes to transfer the permit to another party, an approval must be obtained

2. General Requirements

- When a person who has obtained a permit to drill disposes of his interest in the well to a new owner before, during, or after drilling the well, a notice of the change of ownership and a request for the transfer of the permit to a new owner must be submitted to GSD
- The transfer may be approved on receipt of a properly prepared request

3. Submission Requirements

- Request, including the signature of the operator of record and the acquiring operator

CHAPTER 3.4 (continued)

- Appropriate bond coverage
- 4. Procedures for Obtaining Permit or Approval
 - Applicant submits request for transfer to GSD
 - Transfer is approved on receipt of a properly prepared request and bond coverage
- 5. Operations Requirements
 - Applicant must comply with all applicable rules and regulations, and stipulations set forth in the permit
- 6. Fees
 - None
- 7. Appeal Process
 - Public hearing before Supervisor of Wells and Advisory Board
 - Appeal to the Natural Resources Commission, then to Circuit Court

E. ADMINISTERING AGENCY:

Geological Survey Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1256

CHAPTER 3.5

PERMIT TO PLUG AND ABANDON

INTRODUCTION

The Geological Survey Division (GSD), within the Michigan Department of Natural Resources, has responsibility for issuing permits to plug and abandon oil and gas and secondary recovery wells, brine disposals, and gas or hydrocarbon storages, under the authority of Public Act 61 of 1939. The purpose of this permit is to ensure proper abandonment of these wells.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Plug and Abandon (S)

B. STATUTORY AUTHORITY:

- Public Act 61 of 1939

C. TITLE OF REGULATION:

- Michigan Administrative Code, Section R299.1802

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- No person shall begin the plugging of any well until notice of intent to abandon has been given to the Supervisor of Wells and instructions have been received for the plugging operation

2. General Requirements

- The plugging operations on all abandoned wells must commence within 60 days after drilling or after production has ceased for 12 consecutive months (an extension of time may be granted by the supervisor of wells upon request)

3. Submission Requirements

- Date plugging is to commence
- Responsible party plugging the well

CHAPTER 3.5 (continued)

- Equipment to be used
 - Present condition of the well
 - Proposed method for handling unusual or hazardous conditions
4. Procedures for Obtaining Permit or Approval
- Applicant submits notice of intent to plug and abandon a well to field geologist, GSD
 - Upon receipt of the notification, the field office will issue the permit and provide instructions to the well owner describing the proper procedures to be used in plugging the well
 - The owner must submit a well plugging record to the GSD with 30 days after the plugging work is completed
5. Operations Requirements
- Applicant must comply with all applicable rules and regulations, and stipulations set forth in the permit
6. Fees
- None
7. Appeal Process
- Public hearing before Supervisor of Wells and Advisory Board
 - Appeal to the Natural Resources Commission, then to Circuit Court

E. ADMINISTERING AGENCY:

Geological Survey Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1256

CHAPTER 3.6

AUTHORIZATION TO PLUG AND ABANDON BRINE, SOLUTION MINING, WASTE DISPOSAL, STORAGE, AND TEST WELLS

INTRODUCTION

The Geological Survey Division (GSD), within the Michigan Department of Natural Resources, has responsibility for issuing authorizations to plug and abandon brine, solution mining, waste disposal, storage, and test wells, under the authority of Public Act 315 of 1969. The purpose of this permit is to ensure proper plugging and abandoning of these wells.

A. NAME OF PERMIT OR APPROVAL:

- Authorization to Plug and Abandon Brine, Solution Mining, Waste Disposal, Storage, and Test Wells (S)

B. STATUTORY AUTHORITY:

- Public Act 315 of 1969

C. TITLE OF REGULATION:

- Mineral Well Act

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Plugging and abandonment of any mineral well

2. General Requirements

- The plugging of a well cannot be approved until plugging has been completed; cellar, rat hole, and pits have been filled; and location has been cleared and leveled
- Plugging test wells under blanket permits must conform to procedures adopted by the supervisor based on recommended practices of the Michigan Section of the American Society of Civil Engineers and the Department of Transportation
- Final plugging approval for mineral well(s) is issued by the program supervisor if the information is complete and the well is properly plugged

CHAPTER 3.6 (continued)

- A landowner who owns the surface rights to a well may agree to complete or plug and abandon a shallow test well and request that the permit holder be relieved of all responsibility for such activities; well plugging records must be filed by the landowner rather than the operator in this case

3. Submission Requirements

- Plugging records must be filed within 30 days after the completion of plugging

4. Procedures for Obtaining Permit or Approval

- Applicant submits Notice of Intent to Mineral Wells Section, GSD
- Upon receipt of the Notice, the program supervisor issues authorization and specific plugging instructions to the operator
- Well plugging records must be filed within 30 days after plugging is completed (this record must indicate how the well was plugged, the casing recovered and abandoned with the hole, and the condition of the abandoned well site)

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and stipulations set forth in the permit

6. Fees

- None

7. Appeal Process

- The commission shall act as the Appeal Board

E. ADMINISTERING AGENCY:

Geological Survey Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1256

CHAPTER 3.7

PERMIT TO DRILL, DEEPEN, REWORK, OR CONVERT WASTE DISPOSAL, STORAGE, BRINE, SOLUTION MINING, GEOPHYSICAL TESTING, FOUNDATION BORING, AND MINERAL EXPLORATION TEST HOLES

INTRODUCTION

The Geological Survey Division (GSD), within the Michigan Department of Natural Resources, has responsibility for issuing permits to drill, deepen, rework or convert waste disposal, brine, solution mining, geophysical testing, foundation boring, and mineral exploration test holes, under the authority of Public Act 315 of 1969. The purpose of this permit is to ensure these activities are properly completed.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Drill, Deepen, Rework or Convert a Waste Disposal Storage, Brine, Solution Mining, Geophysical Testing, Foundation Boring, and Mineral Exploration Test Holes (S)

B. STATUTORY AUTHORITY:

- Public Act 315 of 1969

C. TITLE OF REGULATION:

- Mineral Well Act

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Drilling, deepening, reworking or converting a mineral well

2. General Requirements

- Blanket permits, covering a specific area, are available to drill and operate or abandon shallow test wells
- All permits to drill and operate require bonding
- Permits are limited in numbers per area, for example, shallow mineral exploration test wells generally are limited to 200 wells within a 9 square mile area, whereas geophysical testing and foundation boring permits cover county-wide areas

CHAPTER 3.7 (continued)

- If well is to be over 50 feet deep and is in a stream, inland lake, Great Lake, natural or artificial impoundment, or other body of water, the permit must be approved by the Natural Resources Commission
- Instruction sheets are provided with each application to assist the applicant in preparing the forms

3. Submission Requirements

- Type of mineral well
- Type of operation
- Survey record of well location
- Surface characteristics of the site
- Environmental assessment

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to Mineral Wells Section, GSD
- GSD submits to appropriate program supervisor for review
- Supervisor has the authority to grant or deny the permit
- Total estimated processing time, 2 - 4 weeks
- Within 60 days after completion of a well, the operator must submit a mineral well completion report to the supervisor

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and stipulations set forth in the permit

6. Fees

- Bond

7. Appeal Process

- The Natural Resources Commission shall act as an Appeal Board

CHAPTER 3.7 (concluded)

E. ADMINISTERING AGENCY:

Geological Survey Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1256

CHAPTER 3.8

APPROVAL FOR CHANGE OF MINERAL WELL STATUS

INTRODUCTION

The Geological Survey Division (GSD), within the Michigan Department of Natural Resources, has responsibility for issuing approvals for change of mineral well status, under the authority of Public Act 315 of 1969. The purpose of this permit is to regulate changes in mineral well status.

A. NAME OF PERMIT OR APPROVAL:

- Approval for Change of Mineral Well Status (S)

B. STATUTORY AUTHORITY:

- Public Act 315 of 1969

C. TITLE OF REGULATION:

- Mineral Well Act

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Deepening, reworking, or shutting in a mineral well

2. General Requirements

- Any transfer of ownership after drilling of the well requires that a notice of change of ownership and a request for the transfer of the permit to the new owner must be submitted to the supervisor
- Transfer may be approved on request and requires the signature of the operator of record and the acquiring operator

3. Submission Requirements

- Complete description of proposed work submitted by operator

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to Mineral Well Unit, GSD

CHAPTER 3.8 (continued)

- The authorized representative of the Supervisor of Mineral Wells reviews the original well application from which most of the information for the approval of the change in well status can be obtained
- Total estimated processing time, 2 weeks
- Within 30 days after completion of the change of status, a mineral well rework record must be submitted to the supervisor's authorized representative for review

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit

6. Fees

- None

7. Appeal Process

- The Natural Resources Commission shall act as an Appeals Board

E. ADMINISTERING AGENCY:

Geological Survey Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1256

CHAPTER 3.9

OIL AND GAS UNITIZATION PLAN APPROVAL

INTRODUCTION

The Geological Survey Division (GSD), within the Michigan Department of Natural Resources, has responsibility for issuing oil and gas unitization plan approvals, under the authority of Public Act 197 of 1959. The purpose of this permit is to regulate the development of these resources for the purpose of increased recovery of the hydrocarbons.

A. NAME OF PERMIT OR APPROVAL:

- Oil and Gas Unitization Plan Approval (S)

B. STATUTORY AUTHORITY:

- Public Act 197 of 1959

C. TITLE OF REGULATION:

- None

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Oil and gas lessees and owners of land with the right to develop these resources may file a petition with the Supervisor of Wells requesting the unit operation of a pool (natural underground reservoir of oil or gas)

2. General Requirements

- Unitization must be reasonably necessary to substantially increase the ultimate recovery of oil or gas from the unit area
- Operations contemplated must be feasible
- Costs may not exceed the value of the additional oil or gas which will be recovered from the pool
- The order shall not become effective until the plan prescribed by the Supervisor of Wells has been approved in writing by those parties required to pay 75 percent of the cost of operation and those persons of record of at least 75 percent of the production, free of cost, such as, but not limited to, royalties etc.

CHAPTER 3.9 (continued)

3. Submission Requirements

- Petition must contain
 - Description of the pool (unit area)
 - Names of all the persons owning or having an interest in oil and gas in the proposed area
 - Statement of the type of operations contemplated
 - Recommended plan of unitization for the proposed area

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to GSD
- Public notice and hearings
- After public notice and hearings, the Supervisor of Wells may issue an order allowing the unit operation
- Total estimated processing time, 2 months

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and stipulations set forth in the permit

6. Fees

- None

7. Appeal Process

- First appeal - to hearing before Oil and Gas Advisory Board
- Second appeal - to Courts

E. ADMINISTERING AGENCY:

Geological Survey Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1256

CHAPTER 3.10

PERMITS TO OPERATE A CENTRAL PRODUCTION FACILITY

INTRODUCTION

The Geological Survey Division (GSD), within the Michigan Department of Natural Resources, has responsibility for issuing permits to construct and operate a central production facility, under the authority of Public Act 61 of 1939. The purpose of this permit is to allow for the Consolidation of production equipment of 2 or more production units of diverse ownership.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Operate a Central Production Facility (S)

B. STATUTORY AUTHORITY:

- Public Act 61 of 1939

C. TITLE OF REGULATION:

- Michigan Administrative Code, Section R299.1410

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Authorization is needed prior to the construction and operation of a Central Production Facility

2. General Requirements

- Intent to comingle oil and gas production of diverse ownership
- An equitable measurement of oil, gas, and water must take place to assure proper dispersement of proceeds

3. Submission Requirements

- Environmental Impact Statement
- Schematic drawing

CHAPTER 3.10 (continued)

- Details of measuring devices
- Details of flow lines

4. Procedures for Obtaining Permit or Approval

- Applicant submits application by letter to the Production and Proration Unit, GSD
- Copies of the application are sent to the field for their review and approval of the proposed site
- Upon receipt of Region Office recommendation, the staff analyzes the data to determine if the proposed facility will properly measure all the produced fluids so equitable allocation of the values derived from the oil and gas can be returned to the owners of each well producing into the facility

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit
- Operator is required, as a condition of the permit, to submit each month the previous month's measuring and allocation details to the Production and Proration Unit on forms provided

6. Fees

- None

7. Appeal Process

- None

E. ADMINISTERING AGENCY:

Geological Survey Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1256

CHAPTER 3.11

PERMIT TO ENGAGE IN SAND DUNE MINING WITHIN GREAT LAKES SAND DUNE AREAS

INTRODUCTION

The Geological Survey Division (GSD), within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing permits to engage in sand dune mining within the Great Lakes sand dune areas, under the authority of Public Act 222 of 1976. The purpose of this permit is to protect sand dunes within the Great Lakes sand dune area.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Engage in Sand Dune Mining Within Great Lakes Sand Dune Areas (S)

B. STATUTORY AUTHORITY:

- Public Act 222 of 1976

C. TITLE OF REGULATION:

- None

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any person wishing to remove sand from a designated sand dune area for commercial or industrial purposes

2. General Requirements

- Permit is valid for no more than 3 years and may be renewed if operations have been carried out in compliance with the act, the rules promulgated thereunder, and permit conditions

3. Submission Requirements

- Application
- Environmental Impact Statement for the proposed activity
- Progressive cell-unit mining and reclamation plan
- 15-year mining plan

CHAPTER 3.11 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application and supplemental materials to the Reclamation and Mining Control Unit, GSD
- GSD reviews the information and recommends to the Director of MDNR to grant or deny the permit
- Other divisions which may be affected are contacted for recommendations
- Copies of the progressive cell-unit mining and reclamation plan are sent to the appropriate soil conservation districts for comment
- Permit application must be approved or denied within 120 days after receipt of a complete application and an adequate Environmental Impact Statement

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit
- On-site inspections are made

6. Fees

- Before sand is removed from permitted area, a surety bond in the amount of \$10,000/cell-unit, or \$1,000/acre (whichever is less) must be filed with the State
- Sand dune mining operator is assessed a fee of not more than 1 cent per ton of sand mined per calendar year to partially cover cost of surveillance, monitoring, administration and enforcement of the act

7. Appeal Process

- None

E. ADMINISTERING AGENCY:

Geological Survey Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1256

SECTION 4.0
LAND USE REGULATIONS

CHAPTER 4.1

PERMIT TO CUT FOREST PRODUCTS

INTRODUCTION

The Forest Management Division (FMD), within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing commercial forest cutting permits, under the authority of Public Act 94 of 1925. The purpose of this permit is to allow for the cutting and removal of forest products and the computation of yield taxes due.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Cut Forest Products (S)

B. STATUTORY AUTHORITY:

- Commercial Forest Act, Public Act 94 of 1925, as amended

C. TITLE OF REGULATION:

- Commercial Forest Act

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- The owner of any land within the state whose lands are listed under the Commercial Forest Act is required to obtain a permit prior to cutting or removing forest products from listed lands

2. General Requirements

- If the cutting will cover lands encompassing more than one county, separate permits will be issued for each county
- Any amendments or extension of the permit will be approved by the Area Forest Manager
- On or before 31 August and 28 February of each year, the permit holder is required to submit a report of the materials removed or a negative report if no cutting has taken place
- A 10 percent yield tax on the total value of forest products removed must accompany the report

CHAPTER 4.1 (continued)

- A permit is not required if timber is removed for domestic use or stand improvement purposes

3. Submission Requirements

- Area to be cut
- Species to be cut
- Types of product
- Approximate volume
- Unit stumpage value of material to be removed

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to the Area Forest Manager (AFM)
- Upon receipt of the application by AFM, the application is reviewed and the unit stumpage values verified by FMD
- Permit is generally issued for 1 year, unless extended by application to the AFM

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit

6. Fees

- None

7. Appeal Process

- An owner to whom a permit is issued who is dissatisfied with the determination of FMD as to the stumpage rates indicated in the permit may file a protest with MDNR within 20 days after the receipt of the permit

E. ADMINISTERING AGENCY:

Forest Management Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1275

CHAPTER 4.2

TIMBER SALE CONTRACTS

INTRODUCTION

The Forest Management Division (FMD), within the Michigan Department of Natural Resources, has responsibility for issuing timber sale contracts, under the authority of Public Act 178 of 1935. The purpose of this permit is to regulate the amount of timber harvested.

A. NAME OF PERMIT OR APPROVAL:

- Timber Sale Contracts (S)

B. STATUTORY AUTHORITY:

- Sale of Timber Act, Public Act 178 of 1935

C. TITLE OF REGULATION:

- Sale of Timber Act

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any removal of timber from State owned lands in Regions I and II, except State parks. (Wildlife Division issues on State lands under Wildlife Management jurisdiction in Region III)

2. General Requirements

- Most timber removed is publicly advertised and sold
- Timber is sold at public auction unless it has a value under \$1,000 and only one person is interested in it
- Most public timber auctions utilize sealed bids
- A timber contract is required for all timber sales with a value of more than \$300
- Timber contracts (over \$300 but less than \$1,000 in value) are signed by the Area Forest Manager and the purchaser
- Sales over \$1,000 in value must also be endorsed by the Lansing Office, FMD

CHAPTER 4.2 (continued)

- Sales under \$300 are issued by a receipt showing description of land from which timber is to be cut and specifying which trees are to be cut and are signed by the Area Forest Manager (AFM)
 - Timber sale contracts normally have a duration from one to three years (extensions may be granted where justified)
 - Performance bonds in the amount of 15 percent of the contract's estimated value are required to insure the faithful performance of the conditions of the contract
 - Purchasers must be 18 years of age or older and must be in compliance with provisions of Worker's Compensation Act
3. Submission Requirements
- As required in permit application
4. Procedures for Obtaining Permit or Approval
- Applicant submits application to AFM
 - Final review and decision by AFM
 - Timber publicly advertised and sold
5. Operations Requirements
- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit
6. Fees
- Performance bond of 15 percent of contract's estimated value (returnable upon satisfactory completion of contract)
 - Cost of timber
7. Appeal Process
- No formal process

E. ADMINISTERING AGENCY:

Forest Management Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1275

CHAPTER 4.3

FORESTRY USE PERMIT

INTRODUCTION

The Forest Management Division (FMD), within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing forestry use permits, under the authority of Public Act 17 of 1921. Permits may be issued for various uses of State Forest land under the control of the MDNR if the use will not conflict with the public interest and is in accord with land practices in the area for which the use is being permitted.

A. NAME OF PERMIT OR APPROVAL:

- Forestry Use Permits (S)

Examples:

- Road Construction Improvement
- Sawmill Decking Ground, and Temporary Building Permit
- Well Site
- Grazing Livestock
- Sanitary Landfills
- Camping Groups
- Minerals

B. STATUTORY AUTHORITY:

- Grazing Act - Public Act 66 of 1959
- Public Act 17 of 1921
- Public Act 105 of 1951

C. TITLE OF REGULATION:

- State Land Rules

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Road Construction/Improvement: Construction or improvements of roads across state lands, most often issued in connection with a timber sale or other use permit or for access by private individual

CHAPTER 4.3 (continued)

- Sawmill, Decking Ground, and Temporary Building Permit: Most often issued in connection with timber cutting on state forest lands (the Area Forest Manager determines whether the installation is necessary in the proposed area)
- Well Site Permit: Clearance and use of a drill site
- Mineral: Extraction of nonmetallic minerals from State lands. Gravel, sand, fill dirt, clay, stone, marl, and other similar materials may be removed in accordance with permit conditions, if the resulting surface alteration is compatible with present or anticipated use of the site and surrounding area

2. General Requirements

- Generally, if more than one application is received for use in a particular area, the permit is advertised and offered at public sale (these types of use permits are available through the FMD, Bureau of Resources)
- Road Construction/Improvement Permit
 - Such roads are generally constructed so as to benefit private individuals and the public by providing hunting access, fire protection, or better access to state land
 - Area Forest Manager (AFM) must recommend the location of these roads
 - Service roads used by forest land management programs are supervised by the AFM and need not be approved by the FMD office
- Sawmill, Decking Ground and Temporary Building Permit
 - Each permit contains site-specific conditions
 - A bond may be required from the applicant to cover costs in the event the operator does not comply with the permit specifications
 - A new permit is required for each site
- Well Site Permit
 - Required in addition to a drilling permit (issued by Geological Survey Division)

CHAPTER 4.3 (continued)

- Must have the same permit conditions as a drilling permit for non-State owned lands
- Mineral Permit - permit must be obtained prior to extraction of nonmetallic minerals on State lands

3. Submission Requirements

- As required in permit application

4. Procedures for Obtaining Permit or Approval

- Mineral:
 - Applicants, other than surface owners, who request a permit from a State-owned mineral rights only area, submit a written statement from the surface owner granting permission to enter the land, and provide for a settlement in case of resulting surface damage, to FMD
 - Upon receipt of an application, mineral ownership is verified and the amount of material to be removed is determined
 - If the applicant requests more than 5,000 cubic yards of material, a mining plan must be prepared by Geological Survey Division before the permit can be issued
 - Requests for sod or topsoil will be reviewed by AFM and a recommendation will be submitted to FMD
 - AFM issues the permit
- Others
 - Applicant submits application to AFM
 - Final review and decision by FMD

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit

6. Fees

- Mineral: Permits issued for minerals sold to individuals, companies, or other private interests require payment to the State of the cost of minerals to be removed. Free permits are issued to private individuals if the value of the material is less than \$1.00

CHAPTER 4.3 (concluded)

- Federal, State or local government agencies may also receive free permits if the agency is the consumer and the materials are not to be redistributed for private use
- If the State owns only the mineral rights, surface owners are given free permits to remove minerals, provided the materials are used only for the surface owner's domestic purposes
- Others - Vary

7. Appeal Process

- If permit is denied by AFM, appeal may be made to the District Forest Manager, Regional Forest Manager, Divisional Office, Bureau, Director, and/or Natural Resource Commission

E. ADMINISTERING AGENCY:

Forest Management Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1275

CHAPTER 4.4
FORESTRY SPECIAL USE PERMIT

INTRODUCTION

The Forest Management Division (FMD), within the Michigan Department of Natural Resources, has responsibility for issuing forestry special use permits, under the authority of Public Act 17 of 1921. Special use permits can only be issued upon approval by FMD chief. The purpose of this permit is to prevent misuse of the forests.

A. NAME OF PERMIT OR APPROVAL:

- Forestry Special Use Permits (S)
 - Seismic Survey
 - Rifle Range
 - Right of Entry for Survey
 - Events
 - Sanitary Landfills

B. STATUTORY AUTHORITY:

- Public Act 17 of 1921

C. TITLE OF REGULATION:

- State Land Rules

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any type of use proposed on State Forest land that entails modifying the existing land use for an extended time period or of a great social or environmental concern which is not covered under use permits

2. General Requirements

- Special use permits are issued for a limited time period, not to exceed 1 year
- Renewal of existing special use permits under the same condition may be processed and approved by the Forest Manager

CHAPTER 4.4 (continued)

- Seismic Survey: After surety bond is posted, authorization to survey specific routes may then be granted by the local Area Forest Manager (Wildlife Division issues permits on State game areas or wildlife areas in Region III)
- Existing policy: A regional permit authorizes company to contact Area Forest Manager for approval of individual seismic lines

3. Submission Requirements

- None

4. Procedures for Obtaining Permit or Approval

- Seismic Survey:
 - Applicant submits application to FMD
 - Final review and decision by FMD

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit
- Periodic site inspections will be made by the Area Forest Manager to assure compliance with permit conditions and any mining plan
- When the removal is completed, a final inspection is made

6. Fees

- Seismic Survey: \$10,000 surety bond

7. Appeal Process

- If a request for a special use permit is denied, appeal could be made to Bureau, Director, and Natural Resource Commission

E. ADMINISTERING AGENCY:

Forest Management Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1275

CHAPTER 4.5

EASEMENTS FOR UTILITIES AND PUBLIC AGENCIES

INTRODUCTION

The Lands Division (LD), within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing easements for utilities and public agencies, under the authority of Public Act 10 of 1953, Public Act 17 of 1921, and Public Act 223 of 1909. The purpose of this is to regulate easements to utilities and public agencies across State-owned land.

A. NAME OF PERMIT OR APPROVAL:

- Easements for Utilities and Public Agencies (S)

B. STATUTORY AUTHORITY:

- Public Act 10 of 1953
- Public Act 17 of 1921
- Public Act 223 of 1909

C. TITLE OF REGULATION:

- An Act to Authorize the Conservation Commission to Grant Easements

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- The Natural Resources Commission may grant easements upon such terms and conditions as it deems just and reasonable for the constructing, erecting, laying, maintaining, and operating of pipelines and electric, telephone, and telegraph lines, together with facilities and structures in connection therewith over, through, under, and upon any and all land belonging to or held in trust by the State of Michigan which is under the jurisdiction of the Natural Resources Commission or MDNR
- Public agencies may also acquire easements for roads, water and sewer lines necessary to provide access or service to such facilities on State-owned lands

CHAPTER 4.5 (continued)

- These easements are issued to utility companies, local units of government, or to companies involved in mineral development or transportation

2. General Requirements

- Easements across State land must provide a public benefit
- Applicants are requested to plan operations on State-owned lands in advance to allow time for field examinations and processing by MDNR
- Clearing, grading, ditching, or construction must not commence until an easement or written permission has been granted

3. Submission Requirements

- Legal description of the land
- Purpose for which easement required
- Type of construction proposed
- Width of right-of-way needed during construction and for the permanent easement

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to LD
- Upon receipt of a formal application, LD assigns an application number and submits a request to the MDNR field representative for field review and reporting
- Field representative considers the possibility of damage to forest growth and other prospective uses of the land
- Applicant may work with the field representative prior to submitting the request, to discuss the details of the project and allow the field representative the opportunity to discuss special requirements and offer suggestions
- Final review and decision by LD

CHAPTER 4.5 (concluded)

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the easement

6. Fees

- Fees are based on a formula (fee schedule) as approved by MDNR Commission

7. Appeal Process

- Appeals are submitted in writing, review is made by Bureau Chiefs for final decision

E. ADMINISTERING AGENCY:

Lands Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1250

CHAPTER 4.6
DAM CONSTRUCTION PERMIT

INTRODUCTION

The Water Management Division (WMD), Hydrologic Engineering Section, within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing dam construction permits, under the authority of Public Act 184 of 1963. The purpose of this permit is to prevent faulty dam construction which could cause unsafe conditions and thereby endanger the public safety.

A. NAME OF PERMIT OR APPROVAL:

- Dam Construction Permit (S)

B. STATUTORY AUTHORITY:

- Dam Construction Approval Act, Public Act 184 of 1963, as amended

C. TITLE OF REGULATION:

- No title specified in the Act, commonly referred to as "The Dam Construction Approval Act"

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any construction of new dams, or repair or reconstruction of an existing dam that has failed

2. General Requirements

- The dam must impound 5 or more acres or have a head of 5 or more feet
- A dam construction permit is not required for maintenance or repair of an existing dam that has not failed
- The design of the dam must incorporate features that will ensure its safety and structural integrity
- Plans and specifications must be prepared by a Registered professional engineer

CHAPTER 4.6 (continued)

- Dam sites are inspected prior to, during, and after construction
- The applicant's engineer must supervise construction and certify that the dam was constructed in accordance with plans and specifications approved by MDNR
- A letter of final acceptance is provided to the permittee provided the construction is approved, following a final inspection, by the MDNR
- Dam construction permits are not issued until the project is found environmentally acceptable through the 1972 Inland Lakes and Streams Act permit process
- Modification in the design of the project may be required

3. Submission Requirements

- Permit application accompanied by detailed engineering plans and specifications prepared by a registered professional engineer

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to WMD, Hydrologic Engineering Section
- Final review and decision by WMD
- Total estimated processing time, 30 - 60 days

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit

6. Fees

- Dams with heads
 - 0 - 5 feet - None
 - 5 - 8 feet - \$200
 - 8 - 20 feet - \$400
 - 20 feet or greater - \$600

CHAPTER 4.6 (concluded)

7. Appeal Process

- Applicants may appeal denials by filing for a contested case hearing in accordance with the provisions of the Administrative Procedures Act, Public Act 306 of 1969

E. ADMINISTERING AGENCY:

Hydrologic Engineering Section
Water Management Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-0208

CHAPTER 4.7

PERMIT TO OCCUPY, FILL, OR GRADE LANDS IN A FLOOD PLAIN

INTRODUCTION

The Water Management Division (WMD), Flood Hazard Management Section, within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing permits to occupy, fill, or grade lands in a flood plain, under the provisions of Public Act 167 of 1968. The purpose of this permit is to assure that channels and floodways are not inhabited and that the capacity of the floodway is not unduly restricted.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Occupy, Fill, or Grade Lands in a Flood Plain (S)

B. STATUTORY AUTHORITY:

- Public Act 245 of 1929, as amended by Public Act 167 of 1968

C. TITLE OF REGULATION:

- No title specified in the Act, commonly referred to as the "Floodplain Control Act"

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- An alteration, or occupation of lands in a flood plain, streambed, or channel of a stream including bridge and culvert construction

2. General Requirements

- No work within the flood plain may begin until the permit is issued
- Permits are generally issued for a 2-year period and may be renewed, if appropriate

3. Submission Requirements

- Site development plans

CHAPTER 4.7 (continued)

- Topographical maps, stream valley cross-sections, a hydraulic engineering report and other materials may be requested for review

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to WMD, Flood Hazard Management Section
- Draft permit is sent for comment to the community in which the proposed project is located and to other affected parties or agencies
- Community is given 30 days in which to comment on or object to the issuance of the permit
- All other required MDNR permits for the project must be issuable before this permit will be issued
- Total estimated processing time varies with the difficulty of assessing the impact of the project on the floodplain

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and stipulations set forth in the permit
- Site inspections may be made

6. Fees

- None

7. Appeal Process

- Applicants may appeal denials by filing for a contested case hearing in accordance with the provisions of the Administrative Procedures Act, Public Act 306 of 1969

E. ADMINISTERING AGENCY:

Flood Hazard Management Section
Water Management Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-3930

CHAPTER 4.8

SUBDIVISION CONTROL APPROVAL

INTRODUCTION

The Water Management Division (WMD), Flood Hazard Management Section, within the Michigan Department of Natural Resources, has responsibility for issuing subdivision control approvals, under the authority of Public Act 288 of 1967. The purpose of this permit is to assure that each lot in the subdivision has a building site above an established flood elevation, and that there is access to each lot during times of floods.

A. NAME OF PERMIT OR APPROVAL:

- Subdivision Control Approval (S)

B. STATUTORY AUTHORITY:

- Subdivision Control Act, Public Act 288 of 1967

C. TITLE OF REGULATION:

- Subdivision Control Act

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any proposed division of land which creates 5 or more parcels of land, each of which is 10 acres or less in area, within or abutting a flood plain of a river, stream, creek, lake, or similar body of water, must be approved before the subdivision can be recorded for lot sale

2. General Requirements

- Each lot must have 3,000 square feet of buildable area above the flood plain and access by a road or street no more than 1 foot below the flood plain

3. Submission Requirements

- A preliminary plat on a topographical map of the area prepared by a registered engineer or land surveyor in accordance with Section 111 of the Act
- Plotted stream valley cross-sections may also be required

CHAPTER 4.8 (continued)

4. Procedures for Obtaining Approval

- Applicant submits 3 copies of sealed preliminary plat to WMD, Flood Hazard Management Section
- Final review and decision by WMD
- The final plat, with restrictive deed covenants for residential buildings, is submitted to the Department of Commerce (DOC) for recording
- DOC has final authority for approving the subdivision
- Total estimated processing time, 2 weeks - 2 months

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the approval

6. Fees

- None for WMD review

7. Appeal Process

- Applicants may appeal denials by filing for a contested case hearing in accordance with the provisions of the Administrative Procedures Act, Public Act 306 of 1969

E. ADMINISTERING AGENCY:

Flood Hazard Management Section
Water Management Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-3930

CHAPTER 4.9

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

INTRODUCTION

The Public Service Commission (PSC) within the Michigan Department of Commerce, has statutory responsibility for regulation of natural gas pipelines, common carrier oil pipelines, underground natural gas storage and natural gas production in Michigan, under the authority of Public Acts 9 and 16 of 1969, Public Act 165 of 1969, and Public Act 26 of 1973. The purpose of these regulations is to assure safe and equitable production of gas from gas wells.

A. NAME OF PERMIT OR APPROVAL:

- Certificate of Public Convenience and Necessity or Gas Pipeline Engineering Specification Approval (S)

B. STATUTORY AUTHORITY:

- Public Act 238 of 1923, as amended by Public Act 26 of 1973
- Public Act 9 of 1929
- Public Act 16 of 1929
- Public Act 165 of 1969

C. TITLE OF REGULATION:

- Administrative Rules, Sections 460.11 through 460.99, and 460.14001 through 460.14999

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Intrastate natural gas pipelines, common carrier oil lines, and underground natural gas storage facilities

2. General Requirements

- Those specified in the Public Acts and PSC Rules

3. Submission Requirements

- Gas pipelines
 - Map or plat of the proposed line

CHAPTER 4.9 (continued)

- Location of any compressor stations, valves, etc.
 - Estimate of cost of project
 - Estimate of proven reserves of gas available for transportation
 - Information on price paid to producer for gas and price at which sold
 - Rate and fee if common carrier line
 - Oil pipelines
 - Map or plat of proposed line
 - Intended capacity of proposed line
 - All pump stations, valves, and connections
 - An explicit authorized acceptance of the provisions of the Act
 - Gas storage fields
 - Map or plat of proposed storage boundary showing parcels to be obtained
 - Data showing size and capacity of storage field
 - Certification that the field is needed for gas storage
 - Certification that the field will be safe for conversion and operations as a storage field
4. Procedures for Obtaining Permit or Approval
- Gas pipelines
 - Applicant submits pipeline applications to the PSC by the 15th of the month
 - Hearing is held the 4th Thursday of the next month (approximately 6 weeks later)
 - Staff investigates application
 - Following hearing and completion of record, PSC issues its order

CHAPTER 4.9 (continued)

- Oil pipelines
 - Applicant submits application to PSC
 - PSC staff investigates application
 - PSC issues ex parte order
- Gas storage fields
 - Applicant submits application to PSC
 - PSC staff investigates application
 - Hearings are held
 - Following hearings and completion of record, PSC issues order

5. Operations Requirements

- Gas pipelines
 - PSC gas safety engineers conduct investigation while pipeline is under construction, for compliance with Michigan Gas Safety Code
 - PSC gas safety engineers review completion report after construction
- Oil pipelines - None
- Gas storage fields
 - PSC engineers make inspections of storage field operations

6. Fees

- Gas and oil pipelines
 - Non-utilities up to 25 miles of pipeline - \$100 per application
 - Each additional 25 mile segment - \$50
- Gas storage fields - None

7. Appeal Process

- Appeal to the PSC, then to Circuit Court

CHAPTER 4.9 (concluded)

E. ADMINISTERING AGENCY:

Supervisor
Petroleum Engineering Section
Gas Division
Public Service Commission
Michigan Department of Commerce
6545 Mercantile Way
Lansing, Michigan
(517) 373-8636

CHAPTER 4.10

SUBDIVISION APPROVAL

INTRODUCTION

The Community Development Office (CDO), within the Michigan Department of Commerce (MDOC) has responsibility for subdivision approval, under the authority of Public Act 288 of 1967. The Subdivision Control Act furthers orderly development of land, requires the determination that the land is suitable for residential, commercial, or industrial development, prevents residential building within a floodplain, and establishes surveying and mapping standards.

A. NAME OF PERMIT OR APPROVAL:

- Subdivision Approval (S)

B. STATUTORY AUTHORITY:

- Subdivision Control Act, Public Act 288 of 1967, as amended

C. TITLE OF REGULATION:

- Administrative Rules, Sections 560.101 through 560.405

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- All land subdivisions (residential, commercial, industrial)

2. General Requirements

- Procedures as specified in Act and Administrative Rules

3. Submission Requirements

- Proof of ownership
- Letters of preliminary approval
- Accuracy of survey
- Restricted deed conveyance

CHAPTER 4.10 (continued)

- Final subdivision drawing

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to CDO after local approvals specified in Act are obtained
- If property is on a state highway, plat is forwarded to Michigan Department of Transportation (MDOT) for approval
- MDOT review - 10 days
- After MDOT approval, plat is returned to CDO for review for completeness
- Subdivision plats not requiring other department approvals are processed in 15 work days
- MDOC reviews both the physical location and accuracy, and either approves or rejects it
- Upon approval, plat is forwarded to the county register of deeds for recording

5. Operations Requirements

- Once recorded, the owner is entitled to sell parcels

6. Fees

- Local fees are dependent upon individual ordinances
- State fee
 - \$10 for review
 - \$10 for recording each subdivision

7. Appeal Process

- If denied, applicant makes corrections and resubmits

CHAPTER 4.10 (concluded)

E. ADMINISTERING AGENCY:

Land Development and Subdivision Control
Community Development Office
Michigan Department of Commerce
Law Building, 4th Floor
Lansing, Michigan 48913
(517) 373-3237

CHAPTER 4.11

APPROVAL OF COUNTY ZONING ORDINANCES

INTRODUCTION

The Community Development Office (CDO), within the Michigan Department of Commerce (MDOC), has responsibility for approving county zoning ordinances. Counties are authorized by the County Rural Zoning Enabling Act 640 of 1978 to adopt zoning ordinances affecting the unincorporated portions of a county. Currently, 28 counties are organized for zoning, encompassing about one-third of the State's land area. Six additional counties are considering organizing for zoning. It is very important that county zoning ordinances, which can have a great impact on land use and development, not be in conflict with State statutes and policies; therefore, the County Rural Zoning Act provides for a State review to determine if an ordinance or amendment is in conflict with State or Federal law or regulation or a decision of a State or Federal court. This review determines compliance with Michigan State programs on solid waste, toxic waste, natural rivers, shoreland protection, subdivision control, mobile homes, etc. The review also determines procedural compliance with the enabling act and thus identifies any legal deficiencies in the ordinance.

A. NAME OF PERMIT OR APPROVAL:

- Approval of County Zoning Ordinances

B. STATUTORY AUTHORITY:

- Public Act 183 of 1943, as amended by the County Rural Zoning Enabling Act 640 of 1978

C. TITLE OF REGULATION:

- None

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any county which has a county ordinance or wants to have an ordinance for the establishment of zoning districts in the portions of such county outside the limits of incorporated cities and villages; and townships with their own ordinances
- Applies to any amendments to an ordinance

CHAPTER 4.11 (continued)

2. General Requirements

- Procedures as specified in the Act

3. Submission Requirements

- Copy of ordinance or amendments
- Signatures of the county clerk and county board chairperson
- If a map is included in the amendment, the signature(s) must be on the map or attached to it
- Verification of publication in newspaper
- Verification of notification of the owners, the railroad, and the utilities
- Verification of the approval by the county planning commission and county board of commissioners

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to CDO
- CDO reviews to determine if in conflict with State or Federal laws or regulations or a decision of a State or Federal court, and reviews procedural compliance and compliance with other State programs
- Approval within 30 days
- Upon approval, sent to county clerk

5. Operations Requirements

- Once approved, the zoning ordinance becomes effective

6. Fees

- None

7. Appeal Process

- If denied, repeat process

CHAPTER 4.11 (concluded)

E. ADMINISTERING AGENCY:

Land Development Programs and County Zoning
Community Development Office
Michigan Department of Commerce
Law Building, 4th Floor
Lansing, Michigan 48913
(517) 373-3237

CHAPTER 4.12

PERMIT TO CONSTRUCT MOBILE HOME PARKS

INTRODUCTION

The Mobile Home Division (MHD), Corporation and Securities Bureau, within the Michigan Department of Commerce, has responsibility for issuing permits to construct mobile home parks, under the authority of Public Act 419 of 1976. The Act provides for the protection of consumers and the orderly growth of the industry. It also provides for licensure, construction, operation and management of mobile home parks, titling of mobile homes, licensure of broker-dealers and repairer-installers, and handling of complaints relative to operations and practices of mobile home parks and broker-dealers. Staff reviews requests for variance from established standards and recommends changes, amendments, and deletions to the Code as problems are identified.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Construct Mobile Home Parks (S)

B. STATUTORY AUTHORITY:

- Mobile Home Commission Act, Public Act 419 of 1976

C. TITLE OF REGULATION:

- Administrative Rules, Sections 125.1101 through 125.2009

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Mobile home park development and practices

2. General Requirements

- Those specified in the Act and the Rules

3. Submission Requirements

- Local zoning approval
- Drain commissioner approval

CHAPTER 4.12 (continued)

- County highway approval
- Local Department of Public Health approval
- Michigan Department of Public Health (MDPH) approval
- 100-year flood plain plan approved by Department of Natural Resources
- Construction plans

4. Procedures for Obtaining Permit or Approval

- After local approvals are obtained, applicant submits plans to the MDPH and MHD simultaneously
- MDPH notifies MHD of its approval
- MHD issues permit once it has reviewed and approved the plans for compliance

5. Operations Requirements

- Maintenance of the roads, electrical system, sewage treatment plant, wells, etc.
- Applicant must comply with rules concerning park management

6. Fees

- Construction Plans Approval - \$160
- Application for Permit to Construct - \$25
- New Mobile Home Condominium - \$505
- Existing park converting to a condominium with no expansion of site - \$480
- Existing park converting to a condominium with an expansion - \$505
- Application for a Permit to Construct for a project subject to rule 950 - \$50

7. Appeal Process

- Appeal to the Mobile Home Commission for a variance of the Commission's rules

CHAPTER 4.12 (concluded)

E. ADMINISTERING AGENCY:

Mobile Home Division
Corporation and Securities Bureau
Michigan Department of Commerce
P.O. Box 30222
6546 Mercantile Way
Lansing, Michigan 48909
(517) 374-9586

SECTION 5.0
ENVIRONMENTAL QUALITY MANAGEMENT

CHAPTER 5.1

AIR QUALITY INSTALLATION PERMIT

INTRODUCTION

The Michigan Air Pollution Control Commission and the Air Quality Division (AQD), within the Michigan Department of Natural Resources, have responsibility for issuing air quality installation permits, under the authority of Public Act 348 of 1965. The purpose of this permit is to assure that all new or modified sources of air pollution will not have a detrimental impact on human health or welfare.

A. NAME OF PERMIT OR APPROVAL:

- Air Quality Permit to Install (S)

B. STATUTORY AUTHORITY:

- Air Pollution Act, Public Act 348 of 1965, as amended

C. TITLE OF REGULATION:

- Michigan Air Pollution Control Commission's Administrative Rules

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Installation, construction, reconstruction, relocation, or alteration of any process, fuel burning, or refuse burning equipment, or control equipment pertaining thereto, which may be a source of an air contaminant

2. General Requirements

- Applicant must comply with the Michigan Air Pollution Control Commission's Rules, the Federal Prevention of Significant Deterioration regulations, the Federal New Source Performance Standards, and the Federal National Emission Standards for Hazardous Air Pollutants

3. Submission Requirements

- Applicants must submit a signed permit application form and the information that is specified in the directions for completing a permit application

CHAPTER 5.1 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to AQD
- When application is received, a copy is sent to the District Engineer for a site evaluation and an engineer in the Permit Unit is assigned to review the application
- Public notice and comment period is provided if a new or modified source has a potentially significant impact on air quality, is of substantial public concern, or is required to meet federal requirements
- Total estimated processing time, 2 - 12 months after the application is complete

5. Operations Requirements

- Upon issuance of the Permit to Install, the applicant may proceed with construction and trial operation of the equipment in accordance with the terms of the permit

6. Fees

- None

7. Appeal Process

- Recommendations of permit denials are considered by the Michigan Air Pollution Control Commission

E. ADMINISTERING AGENCY:

Permit Unit
Air Quality Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 322-1333

CHAPTER 5.2

AIR QUALITY OPERATING PERMIT

INTRODUCTION

The Air Quality Division (AQD), within the Michigan Department of Natural Resources, has responsibility for issuing air quality operating permits, under the authority of Public Act 348 of 1965. The purpose of this permit is to ensure that all new or modified sources of air pollution will not have a detrimental impact on human health or welfare.

A. NAME OF PERMIT OR APPROVAL:

- Air Quality Permit to Operate (S)

B. STATUTORY AUTHORITY:

- Air Pollution Act, Public Act 348 of 1965, as amended

C. TITLE OF REGULATION:

- Michigan Air Pollution Control Commission's Administrative Rules

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Operation of any process, fuel burning, or refuse burning equipment, or control equipment pertaining thereto, which may be a source of an air contaminant

2. General Requirements

- Applicant must apply for Permit to Operate not more than 30 days after installation or the beginning of trial operation of equipment
- Equipment must be installed in compliance with the Permit to Install

3. Submission Requirements

- Application for a Permit to Operate should be made by sending a letter to the Permit Unit Chief, AQD (the letter should state when trial operation of the equipment commenced, and request AQD to process the Permit to Operate)

CHAPTER 5.2 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to AQD
- When application is received, a copy is sent to the district engineer for inspection and testing of the equipment in operation
- Final review and approval by the Permit Unit, AQD

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and stipulations set forth in the permit

6. Fees

- None

7. Appeal Process

- Recommendations of permit denials are considered by the Michigan Air Pollution Control Commission

E. ADMINISTERING AGENCY:

Permit Unit
Air Quality Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 322-1333

CHAPTER 5.3

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

INTRODUCTION

The Water Quality Division (WQD), within the Michigan Department of Natural Resources, has responsibility for preparing NPDES permits for issuance, with actual issuance by the Water Resources Commission (WRC), under the authority of the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, and the Michigan Water Resources Commission Act. The purpose of this permit is to control the discharge of pollutants into surface waters of the state to protect the environment.

A. NAME OF PERMIT OR APPROVAL:

- NPDES Permit (F&S)

B. STATUTORY AUTHORITY:

- Federal Water Pollution Control Act, Amendments of 1972, Public Law 92-500
- Clean Water Act of 1977, Public Law 95-217
- Michigan Water Resources Act, Public Act 245 of 1929, as amended

C. TITLE OF REGULATION:

- None

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any discharge of waste or waste effluent into the surface waters of Michigan

2. General Requirements

- Discharge permits must regulate discharges consistent with effluent limitations, guidelines, and other requirements of Federal law and with State water quality standards
- Permits are issued for a fixed term not to exceed 5 years

CHAPTER 5.3 (continued)

- A permit may be terminated following due process procedures if a violation of permit conditions arises
- If changed conditions dictate the need for further reduction of the discharge limitations or changes in permit conditions, the permit may be modified

3. Submission Requirements (All of these not required in all cases)

- Facility name and type of facility
- Outfall location
- Flows, sources of pollution, and treatment technologies
- Maximum production
- Improvements
- Intake and effluent characteristics
- Potential discharges not covered by analysis
- Biological toxicity testing data
- Contract analysis information
- Certification

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to the WQD, Permits Section
- An evaluation is made on the need for preparation of an environmental assessment or environmental impact statement
- Applications are reviewed and if administratively complete are acknowledged and assigned to staff for investigation
- Applications for new or increased uses are presented to WRC at one of the monthly meetings
- The staff drafts a proposed permit or recommends denial
- Draft permits are reviewed by the Biology Section and the Office of Toxic Materials Control

CHAPTER 5.3 (concluded)

- Public notice of the draft permit is given and if there is significant public interest, a public hearing may be held
- Final staff review takes place and the draft permit is presented to WRC for recommended approval or denial
- WRC considers draft permit at its monthly meeting and approves or denies permit for issuance
- EPA concurrence must be obtained before a permit can be issued, unless EPA has waived the right to review
- Total estimated processing time, 60 - 360 days depending on the complexity of the issues

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and stipulations set forth in the permit
- To remain in compliance with an NPDES permit, a permit-holder must meet specified effluent limitations, fulfill monitoring and reporting requirements, and meet all other conditions of the permit

6. Fees

- None

7. Appeal Process

- An applicant objecting to conditions in a permit issued by the WRC may request an adjudictory hearing within 15 days of permit issuance
- If still dissatisfied with the results of the hearing, relief may be sought in Circuit Court

E. ADMINISTERING AGENCY:

Water Quality Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-8088

CHAPTER 5.4
GROUND WATER DISCHARGE PERMIT

INTRODUCTION

The Water Quality Division (WQD), within the Michigan Department of Natural Resources, has responsibility for preparing ground water discharge permits for issuance, with actual issuance by the Water Resources Commission (WRC), under the authority of Public Act 245 of 1929. The purpose of this permit is to prevent ground water contamination.

A. NAME OF PERMIT OR APPROVAL:

- Ground Water Discharge Permit (S)

B. STATUTORY AUTHORITY:

- Michigan Water Resources Act, Public Act 245 of 1929,
as amended

C. TITLE OF REGULATION:

- None

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any discharge of waste or waste effluents into the ground waters of Michigan

2. General Requirements

- This permit must be obtained prior to discharge of wastewater into the ground
- Permit is to prevent degradation of ground water quality in usable aquifers

3. Submission Requirements

- Hydrogeologic study information as required by Part 22 Rules of the WRC
- Facility name and type of facility
- Discharge location

CHAPTER 5.4 (continued)

- Flows, sources of pollution and treatment technologies
- Effluent characteristics
- Potential discharges not covered by analysis
- Certification

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to WQD
- WQD staff reviews application and prepares permit in manner similar to NPDES permit preparation
- WRC grants or denies permit
- Total estimated processing time, 60 - 360 days depending on the complexity of the issues

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and stipulations set forth in the permit

6. Fees

- None

7. Appeal Process

- An applicant objecting to conditions in a permit issued by the WRC may request an adjudicatory hearing within 15 days of permit issuance
- If dissatisfied with the results of the hearing, applicant may seek relief in Circuit Court

E. ADMINISTERING AGENCY:

Water Quality Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-8088

CHAPTER 5.5

WASTEWATER COLLECTION AND TREATMENT FACILITIES CONSTRUCTION PERMIT

INTRODUCTION

The Water Quality Division, within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing municipal wastewater collection and treatment facility construction permits, under the authority of Public Act 98 of 1913. The purpose of this permit is to prevent faulty construction of these facilities which could cause unsafe conditions.

A. NAME OF PERMIT OR APPROVAL:

- Wastewater Collection and Treatment Facilities Construction Permit (F&S)

B. STATUTORY AUTHORITY:

- Waterworks and Sewage Systems Act, Public Act 98 of 1913

C. TITLE OF REGULATION:

- Municipal Wastewater Division, General Rules, Section R299.2901

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Construction of collection sewers, sewer extensions, pump stations, treatment plants, and modification of treatment plants or processes

2. General Requirements

- The facility must be designed so that when the facility is in operation, all air emissions, solid waste (sludge), and water discharges will be in compliance with criteria and limitations established by Air Quality, Resource Recovery and Water Quality Divisions
- Regulations of other MDNR Divisions may apply to permit issuance, including soil erosion, stream crossings, wetlands, floodplains, and dam safety requirements
- Regulations of the Department of Public Health, especially those pertaining to water supply and wastewater disposal, may also apply to permit issuance

CHAPTER 5.5 (continued)

- Applicant cannot expend funds for construction until a permit is issued
 - If construction is not initiated within 2 years after permit is issued, applicant must re-apply for a new permit
3. Submission Requirements
- As indicated on the permit application
4. Procedures for Obtaining Permit or Approval
- Applicant submits application to the Municipal Design Review Section, WQD
 - Municipal design district staff for the area where the facility is to be constructed reviews applications
 - No statutory time limit exists for review
 - Review time varies depending on size and complexity of the project (2 weeks for sewer extension to 3 months for major treatment system)
5. Operations Requirements
- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit
6. Fees
- None
7. Appeal Process
- Appeal to Natural Resources Commission

E. ADMINISTERING AGENCY:

Water Quality Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-8088

CHAPTER 5.6

MUNICIPAL WASTEWATER FACILITIES OPERATOR CERTIFICATION

INTRODUCTION

The Water Quality Division (WQD), within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing municipal wastewater treatment facilities operator certifications under the authority of Public Act 98 of 1913. The purpose of this permit is to assure skilled operation of these facilities to prevent unsafe conditions.

A. NAME OF PERMIT OR APPROVAL:

- Municipal Wastewater Facilities Operator Certification (S)

B. STATUTORY AUTHORITY:

- Public Act 98 of 1913, as amended, Sections 3 and 6

C. TITLE OF REGULATION:

- Municipal Wastewater Division - General Rules

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any municipal wastewater treatment facilities

2. General Requirements

- The superintendent of a municipal wastewater treatment facility must be certified by MDNR
- Approximately 700 applications are eligible for examination annually

3. Submission Requirements

- Formal application
- Educational background (including transcripts)
- Work experience

CHAPTER 5.6 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to the WQD, Training and Certification Section, at least 45 days prior to annual examination date
- WQD notifies all applicants who are eligible to take the examination at least 30 days prior to the date of examination
- Applicants are evaluated on the basis of education and work experience
- The examinations are scored by the Board of Examiners and recommendation for certification of applicants is made to the Director of MDNR
- Within 30 days after examination results are available, certificates are issued to those recommended by the Board

5. Operations Requirements

- Certified operator must comply with all applicable rules and regulations and must operate in a safe manner

6. Fees

- None

7. Appeal Process

- Applicant files a sworn petition with MDNR setting forth the grounds and reasons for the appeal and asking for a hearing before the Natural Resources Commission
- The decision by the Commission is conclusive unless reviewed in accordance with Public Act 306 of 1969, as amended and Sections 24.201 and 24.315 of the Michigan Compiled Laws

E. ADMINISTERING AGENCY:

Water Quality Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-8088

CHAPTER 5.7

INDUSTRIAL OR COMMERCIAL WASTEWATER TREATMENT FACILITY OPERATOR CERTIFICATION

INTRODUCTION

The Water Quality Division (WQD), within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing certifications for industrial or commercial wastewater treatment facility operators, under the authority of Public Act 245 of 1929. The purpose of this certification is to assure skilled operation of these facilities and to prevent unsafe conditions.

A. NAME OF PERMIT OR APPROVAL:

- Industrial or Commercial Wastewater Treatment Facility Operator Certification (S)

B. STATUTORY AUTHORITY:

- Public Act 245 of 1929, as amended, Section 2
- Compiled Laws of 1948, Section 323.2

C. TITLE OF REGULATION:

- General Rules - Water Resources Commission

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any industrial or commercial wastewater treatment facility operator

2. General Requirements

- Every industrial or commercial entity which discharges liquid wastes into any surface or ground waters, or underground, or on the ground, other than through a public sanitary sewer, shall have waste treatment or control facilities under the supervision and control of persons who have been certified as being properly qualified to operate the facilities
- Approximately 400 applicants are accepted for examination each year
- Certificate is valid for 5 years

CHAPTER 5.7 (continued)

3. Submission Requirements

- Formal application
- Educational background (including transcripts)
- Work experience

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to the WQD, Training and Certification Section, at least 30 days before the annual examination date
- Application is submitted to the Board of Examiners for evaluation and Board determines whether applicant is eligible to take examination
- Based on examination score and other qualifications of the applicant, the Board recommends certification of qualified applicants to Director of MDNR, who issues certificates

5. Operations Requirements

- Certified operator must comply with all applicable rules and regulations and must operate in a safe manner

6. Fees

- None

7. Appeal Process

- May be appealed in accordance with the Water Resources Commission's rules of procedure

E. ADMINISTERING AGENCY:

Training and Certification Section
Water Quality Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-8088

CHAPTER 5.8

LICENSE TO REMOVE AND TRANSPORT SEPTIC TANK WASTE

INTRODUCTION

The Water Quality Division (WQD), within the Michigan Department of Natural Resources, has responsibility for issuing septic tank waste haulers licenses, under the authority of Public Act 243 of 1951. The purpose of this license is to prevent unsafe and unhealthy conditions.

A. NAME OF PERMIT OR APPROVAL:

- License to Remove and Transport Septic Tank Waste (S)

B. STATUTORY AUTHORITY:

- Public Act 243 of 1951, as amended

C. TITLE OF REGULATION:

- Michigan's Law for Servicing and Cleaning Septic Tanks, Seepage Pits, Cesspools

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any person engaged in the business of servicing or maintaining septic tank, seepage pit, or cesspool wastes and any vehicle transporting the waste
- Any solicitor for any of the above businesses

2. General Requirements

- All businesses and vehicles involved in servicing or maintaining septic tanks, seepage pits, or cesspools must obtain a license (solicitors for such businesses must be licensed also)
- Applications are sent out annually to current businesses and are available upon request to new businesses
- Licenses expire annually on 28 February

CHAPTER 5.8 (continued)

3. Submission Requirements

- None

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to local health department which conducts an inspection of the vehicles and disposal sites (ground disposal sites must be approved by the local health department using form R4605)
- Upon approval by health department, applicant sends application to WQD, Emergency Response and Waste Hauler Licensing Section
- Licenses are issued to the business and for each vehicle used in the transportation of wastes
- Total estimated processing time, 2 weeks

5. Operations Requirements

- Hauler must comply with all applicable rules and regulations and any stipulations set forth in the license

6. Fees

- Business license - \$25
- Vehicle license - \$10
- Bond
 - residents \$1,000
 - non residents \$5,000

7. Appeal Process

- Administrative Procedures Act of 1969 (Act 306 of 1969, as amended)
- New application - contested case hearing, Judicial Review
- Existing licensee - Roger's hearing, contested case hearing, Judicial Review

CHAPTER 5.8 (concluded)

E. ADMINISTERING AGENCY:

Water Quality Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-8088

CHAPTER 5.9

LIQUID INDUSTRIAL WASTE HAULERS LICENSE

INTRODUCTION

The Water Quality Division (WQD), within the Michigan Department of Natural Resources, has responsibility for issuing liquid industrial waste haulers licenses, under the authority of Public Act 136 of 1969. The purpose of the Act is to require licensing and bonding of liquid industrial waste haulers, to provide for inspection and licensing of vehicles, and to control the disposal of wastes.

A. NAME OF PERMIT OR APPROVAL:

- Liquid Industrial Waste Haulers License (S)

B. STATUTORY AUTHORITY:

- Public Act 136 of 1969

C. TITLE OF REGULATION:

- Liquid Industrial Waste Act

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any person who removes and transports liquid industrial wastes from the premises of another is required to be licensed
- Any person contracting with another to remove liquid industrial waste, must contract with a licensed hauler

2. General Requirements

- Applicable businesses as well as vehicles involved must be licensed and bonded
- Records must be maintained for all waste removals

3. Submission Requirements

- Persons who contract with liquid industrial waste haulers are required to submit manifest reporting forms for each load of waste removed by the 10th of each month for the previous monthly waste removals

CHAPTER 5.9 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to the WQD, Emergency Response and Waste Hauler Licensing Section
- Investigators determine if the application is complete and if the types of waste to be hauled, the disposal methods, and the locations for disposal are approvable

5. Operations Requirements

- Hauler must comply with all applicable rules and regulations, and any stipulations set forth in the license

6. Fees

- Business license - \$100
- Vehicle license - \$10
- Bond
 - resident \$15,000
 - non-resident \$30,000

7. Appeal Process

- Administrative Procedures Act of 1969 (Act 306 of 1969, as amended)
- New application - contested case hearing, Judicial Review
- Existing licensee - Roger's hearing, contested case hearing, Judicial Review

E. ADMINISTERING AGENCY:

Water Quality Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-2794

CHAPTER 5.10

PERMIT FOR USE OF WATER FOR IRON ORE BENEFICIATION

INTRODUCTION

The Water Management Division (WMD), Hydrologic Engineering Section, within the Michigan Department of Natural Resources, processes permits for use of water for iron ore beneficiation, under the authority of Public Act 143 of 1959. The purpose of this permit is to protect the public interest, prevent damage to riparian lands or water, and prevent danger to public health and safety.

A. NAME OF PERMIT OR APPROVAL:

- Permit for Use of Water for Iron Ore Beneficiation (S)

B. STATUTORY AUTHORITY:

- Iron Ore Beneficiation Act, Public Act 143 of 1959

C. TITLE OF REGULATION:

- No title specified in the Act, commonly referred to as the "Iron Ore Beneficiation Act"

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any diversion and control of water for the mining and processing of low-grade iron ore

2. General Requirements

- The applicant must demonstrate that the proposed drainage, diversion, control, or use of water is necessary for the mining of substantial deposits; other feasible and economical methods of obtaining a continuous supply of water are not available; the proposed control will not be against the public interest or damage riparian lands or waters; and the activity will not endanger the public health or safety

3. Submission Requirements

- The applicant files a preliminary application in letter form with the Natural Resources Commission, supplemented by maps,

CHAPTER 5.10 (continued)

charts, and data detailing the location of the mining property, the necessity for the proposed water use, and the waters which will be effected

4. Procedures for Obtaining Permit or Approval

- Applicant submits preliminary application to Natural Resources Commission (NRC)
- Upon notification by NRC that the preliminary application is acceptable, formal application is submitted to NRC
- The Hydrologic Engineering Section reviews the materials in the preliminary application and formal application
- Within 60 days after receipt of the formal application, the Commission must fix the time and place for a public hearing and publish notice of the hearing in the counties involved
- Total estimated processing time, 1 - 2 years
- Permit is granted for the term necessary to allow mining to exhaustion and beneficiation of all low-grade iron ore at the site, but the term may not exceed 50 years

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit
- Monthly monitoring reports must be filed with WMD
- Projects are inspected during construction and annually thereafter

6. Fees

- None

7. Appeal Process

- Applicant may appeal denials by filing for a contested case hearing in accordance with the provisions of the Administrative Procedures Act, Public Act 306 of 1969

CHAPTER 5.10 (concluded)

E. ADMINISTERING AGENCY:

Hydrologic Engineering Section
Water Management Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-0208

CHAPTER 5.11
WATERWAYS USE PERMIT

INTRODUCTION

The Waterways Division (WD), within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing waterways use permits, under the authority of Public Act 17 of 1921. The purpose of this permit is to prevent any use of State lands which may infringe upon the public benefit.

A. NAME OF PERMIT OR APPROVAL:

- Waterways Use Permit (S)

B. STATUTORY AUTHORITY:

- Public Act 17 of 1921

C. TITLE OF REGULATION:

- None

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Temporary use of State lands under the jurisdiction of WD

2. General Requirements

- No formal procedure is required; letter of request, personal appearance, or a telephone call may be appropriate
- The permit will be issued only for the length of time required for the proposed use
- In reviewing the request, WD considers the type of use desired, the suitability of the use to the site, its infringement on the public benefit, and other factors

3. Submission Requirements

- Type of use

CHAPTER 5.11 (continued)

- Suitability of use to the site
 - Other information as requested
4. Procedures for Obtaining Permit or Approval
 - Applicant submits letter of request, appears formally, or telephones the WD and request is acted upon
 - Total estimated processing time, 2 - 3 days
 5. Operations Requirements
 - Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit
 6. Fees
 - A variable fee is placed on the use, dependent upon the magnitude of the use
 7. Appeal Process
 - Appeals from decisions of WD may be made in writing to the Deputy Director, Bureau of Resources, MDNR

E. ADMINISTERING AGENCY:

Waterways Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 322-1311

CHAPTER 5.12

SOLID WASTE DISPOSAL FACILITY CONSTRUCTION PERMIT

INTRODUCTION

The Resource Recovery Division (RRD), within the Michigan Department of Natural Resources (MDNR), and certified health departments, has responsibility for reviewing solid waste disposal facility construction permits, under the authority of Public Act 641 of 1978. The purpose of this permit is to protect the environment.

A. NAME OF PERMIT OR APPROVAL:

- Solid Waste Disposal Facility Construction Permit (S)

B. STATUTORY AUTHORITY:

- Solid Waste Management Act, Public Act 641 of 1978

C. TITLE OF REGULATION:

- Solid Waste Management (drafts of rules available, adoption is currently being sought)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Construction of any new solid waste disposal area, or expansion, enlargement, or alteration of an existing facility
- Facility may include a landfill, transfer station, incinerator, or a refuse processing plant

2. General Requirements

- In order to obtain a construction permit, an applicant must first request an advisory analysis of the proposed area by either an officer of a certified city, county, or district health department or staff of the RRD, if the local health department is not certified
- Applicants should discuss consistency with the County solid waste management plan with the certified health department, the designated planning agency, and the MDNR

CHAPTER 5.12 (continued)

- This permit issued by the MDNR Director

3. Submission Requirements

- General information about proposed facility
- Supplemental technical information including a hydrogeological report and monitoring program, environmental assessment, and engineering plan

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to applicable health department or RRD if health department is not certified
- Final review by MDNR within 120 days, if this time restriction is ignored, application is automatically approved (time period does not apply if application is required to be reviewed by the Michigan Environmental Review Board)

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and stipulations set forth in the permit

6. Fees

- \$300 to \$700 based on graduated scale

7. Appeal Process

- Applicant can request a hearing of the Director on any permit denial

E. ADMINISTERING AGENCY:

Resource Recovery Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-0540

CHAPTER 5.13

SOLID WASTE DISPOSAL FACILITY OPERATING LICENSE

INTRODUCTION

The Resource Recovery Division (RRD), within the Michigan Department of Natural Resources, or certified health department, has responsibility for reviewing solid waste disposal facility operating licenses, under the authority of the Public Act 641 of 1978. The purpose of this permit is to protect the environment.

A. NAME OF PERMIT OR APPROVAL:

- Solid Waste Disposal Facility Operating License (S)

B. STATUTORY AUTHORITY:

- Solid Waste Management Act, Public Act 641 of 1978

C. TITLE OF REGULATION:

- Solid Waste Management (drafts of rules are available, adoption is currently being sought)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Operation of any solid waste disposal facility in Michigan requires a license which expires 2 years from date of issuance

2. General Requirements

- In order to obtain a license the applicant must submit a complete application package to the certified health department or RRD; if the area is not serviced by a certified local health department, licensed facilities must be included in a county solid waste management plan

3. Submission Requirements

- Certification under the seal of a registered professional engineer verifying that the construction of the facility has proceeded according to approved plans

CHAPTER 5.13 (continued)

- Sanitary landfill license application must include a hydrogeological monitoring program and a restrictive covenant which allows the Director to control type of use on the completed landfill for a period of 15 years
- Fee and bond which may include:
 - Surety bond
 - Certificate of Deposit
 - Irreversible letter of credit
 - Cash bond

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to certified health department or RRD
- A site inspection must be made by a certified health department and MDNR, and a final decision is made on the application within 90 days after receipt or the application is automatically approved (this time period does not apply if the application is required to be reviewed by the Michigan Environmental Review Board)

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and stipulations set forth in the license

6. Fees

- \$100
- Surety bond varies according to the type of facility

7. Appeal Process

- Applicant may request a hearing by the director on any license denial

E. ADMINISTERING AGENCY:

Resource Recovery Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-0540

CHAPTER 5.14

HAZARDOUS WASTE DISPOSAL FACILITY CONSTRUCTION PERMIT

INTRODUCTION

The Environmental Services Division (ESD), within the Michigan Department of Natural Resources, has responsibility for issuing hazardous waste disposal facility construction permits, under the authority of Public Act 64 of 1979. The purpose of this permit is to protect the environment.

A. NAME OF PERMIT OR APPROVAL:

- Hazardous Waste Disposal Facility Construction Permit (S)

B. STATUTORY AUTHORITY:

- Michigan Hazardous Waste Management Act, Public Act 64 of 1979, as amended

C. TITLE OF REGULATION:

- Hazardous Waste Management Act

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any construction, expansion, enlargement or major alteration of any facility which disposes of hazardous waste

2. General Requirements

- Company must obtain Public Act 64 construction permit prior to erecting any hazardous waste disposal facility

3. Submission Requirements

- General information about proposed facility
- Supplemental technical information including a hydrologic report
- Environmental assessment and disposal operations plan
- Application fee

CHAPTER 5.14 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to ESD, Office of Hazardous Waste Management
- Review by ESD and Site Approval Board consisting of 5 permanent and 4 temporary positions filled by residents of the county and municipality in which the facility is located
- The Site Approval Board grants or denies permit for each proposed facility recommended for approval by the Division of Environmental Services

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and stipulations set forth in the permit

6. Fees

- Calculated on flat fee or cost of review basis (flat fee ranges from \$7,000-\$70,000 depending on type and size of facility)

7. Appeal Process

- Circuit Court

E. ADMINISTERING AGENCY:

Environmental Services Division
Michigan Department of Natural Resources
P.O. Box 30038
Lansing, Michigan 48909
(517) 373-2730

CHAPTER 5.15

HAZARDOUS WASTE DISPOSAL FACILITY OPERATING LICENSE

INTRODUCTION

The Environmental Services Division (ESD), within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing hazardous waste disposal facility operating licenses, under the authority of Public Act 64 of 1979. The purpose of this permit is to protect the environment.

A. NAME OF PERMIT OR APPROVAL:

- Hazardous Waste Disposal Facility Operating License (S)

B. STATUTORY AUTHORITY:

- Michigan Hazardous Waste Management Act, Public Act 64 of 1979, as amended

C. TITLE OF REGULATION:

- Hazardous Waste Management Act

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Operation of any hazardous waste disposal facility in Michigan

2. General Requirements

- Company must manage its hazardous waste in compliance with Act 64 and its administrative rules

3. Submission Requirements

- Seal of a registered professional engineer certifying that the construction of the disposal facility has proceeded according to plans approved by MDNR
- Proof of financial capability, and proof of a secured trust fund or other financial capability

CHAPTER 5.15 (continued)

- Proof of a secured trust fund or other financial instrument to cover the cost of closure and post-closure
- Liability insurance covering sudden and accidental release of hazardous waste
- Fee

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to ESD, Office of Hazardous Waste Management
- Within 90 days of receipt of a complete operating license application, MDNR must conduct a site inspection and make a final decision on the operating license

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and stipulations set forth in the permit

6. Fees

- \$500

7. Appeal Process

- Administrative appeal pursuant to State Administrative Procedures Act
- Circuit Court

E. ADMINISTERING AGENCY:

Environmental Services Division
Michigan Department of Natural Resources
P.O. Box 30038
Lansing, Michigan 48909
(517) 373-2730

CHAPTER 5.16

CERTIFICATES OF REGISTRATION FOR WATER WELL DRILLERS, PUMP INSTALLERS AND DEWATERING WELL CONTRACTORS

INTRODUCTION

The Water Supply Division (WSD), Ground Water Control Section, within the Michigan Department of Public Health (MDPH), has responsibility for issuing certificates of registration for water well drillers, pump installers, and dewatering well contractors, under the authority of Public Act 368 of 1978, as amended. These persons must obtain certificates of registration annually and install pumps and wells in accordance with MDPH rules.

A. NAME OF PERMIT OR APPROVAL:

- Certificates of Registration - Water Well Drillers, Pump Installers, Dewatering Well Contractors (S)

B. STATUTORY AUTHORITY:

- Public Act 368 of 1978, as amended

C. TITLE OF REGULATION:

- Administrative Rules Relative to Ground Water Quality Control

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- All water well drillers, pump installers, and dewatering well contractors

2. General Requirements

- Applicants must serve a 2 year apprenticeship and pass both an oral and written examination

3. Submission Requirements

- Work history form outlining all work completed in field for well drilling/pump installation
- Two references assuring the applicant has the required 2 years of experience

CHAPTER 5.16 (concluded)

4. Procedures for Obtaining Permit or Approval

- Applicant submits original application and information in item 3 to WSD
- Applicant is scheduled for oral and written exam conducted by the Well Drillers Advisory Board (exams given 4 times per year with credentials on file 4 weeks prior to exam)
- Advisory Board makes final recommendation to MDPH

5. Operations Requirements

- Registered contractors must follow construction code with the work subject to inspection, and must file well drilling records for all wells drilled

6. Fees

	<u>Original</u>	<u>Renewal</u>	<u>Frequency of Renewal</u>
● Water well driller -	\$40	\$40	Annual
● Extra drilling rig -	-	\$10	
● Pump installer -	\$25	\$25	Annual
● Dewatering well contractor -	\$40	\$40	Annual
● Late filing fee -	\$20/ well driller		
(due after July 1) -	\$12.50/pump installer		

7. Appeal Process

- Michigan Administrative Procedures Act, Public Act 306 of 1969, as amended (outlines appeal procedures and rights of all licensed contractors)

E. ADMINISTERING AGENCY:

Ground Water Quality Control Section
Water Supply Division
Michigan Department of Public Health
3500 North Logan
P.O. Box 30035
Lansing, Michigan 48909
(517) 373-1376

CHAPTER 5.17

APPROVAL OF CHEMICALS AND MATERIALS USED IN PUBLIC WATER SUPPLIES

INTRODUCTION

The Water Supply Division (WSD), within the Michigan Department of Public Health (MDPH), has responsibility for approving chemicals and materials used in public water supplies, under the authority of Public Act 399 of 1976. The chemicals and materials must be approved prior to use to protect the public water supply.

A. NAME OF PERMIT OR APPROVAL:

- Approval of Chemicals and Materials Used in Public Water Supplies (S)

B. STATUTORY AUTHORITY:

- Public Act 399 of 1976

C. TITLE OF REGULATION:

- Administrative Rules, Section 25.12102, Approval of Chemicals and Other Materials

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- All chemicals, coatings, or paints, proprietary products and similar materials of whatever description that are used or are proposed for use on, or in contact with, drinking water at any point in the water works system

2. General Requirements

- Determination that chemical or material and its component parts singly or together will not be detrimental to public health

3. Submission Requirements

- Sufficient data should be submitted to allow determination of toxicity

CHAPTER 5.17 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant submits data for toxicity determination to WSD
- Toxicity is determined and decision is made whether it is or is not detrimental to public health

5. Operations Requirements

- Must maintain current information on record with WSD

6. Fees

- None

7. Appeal Process

- Supplier of water may request a contested case hearing by filing a petition with WSD
- Director of MDPH issues a decision which is final to all affected parties

E. ADMINISTERING AGENCY:

Water Supply Division
Michigan Department of Public Health
3500 North Logan
P.O. Box 30035
Lansing, Michigan 48909
(517) 373-1376

CHAPTER 5.18

PUBLIC WATER SUPPLY CONSTRUCTION PERMIT

INTRODUCTION

The Water Supply Division (WSD), within the Michigan Department of Public Health, has responsibility for issuing construction permits for public water supply, under the authority of Public Act 399 of 1976. A construction permit must be obtained prior to constructing any community or noncommunity public water supply facility. Permitting authority for noncommunity water supplies have been designated to local health departments in many areas of the State.

A. NAME OF PERMIT OR APPROVAL:

- Public Water Supply Construction Permit (S)

B. STATUTORY AUTHORITY:

- Public Act 399 of 1976

C. TITLE OF REGULATION:

- Administrative Rules, Section 325.11306

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Modification, addition, erection, installation, or alteration of any community or noncommunity water works system which affects flow, capacity, system service area, source, treatment, or reliability

2. General Requirements

- Determination that the plans and specifications are complete and adequate to protect the public health
- The issued construction permit will expire unless construction or alteration commences within 2 years from date of issuance

CHAPTER 5.18 (continued)

3. Submission Requirements

- A transmittal letter summarizing the plan or project must be submitted with the plans/specifications for approval
- Use "Recommended Standards for Water Works", prepared by the Great Lakes Upper Mississippi Board of State Sanitary Engineers, as guidance

4. Procedures for Obtaining Permit or Approval

- Applicant submits letter and plans and specifications to WSD
- Final review and decision by WSD

5. Operations Requirements

- Must pass records inspection

6. Fees

- None

7. Appeal Process

- May request contested case hearing by filing a petition with MDPH

E. ADMINISTERING AGENCY:

Water Supply Division
Michigan Department of Public Health
3500 North Logan
P.O. Box 30035
Lansing, Michigan 48909
(517) 373-1376

CHAPTER 5.19

APPROVAL OF PUBLIC WATER SUPPLY PLANS AND SPECIFICATIONS

INTRODUCTION

The Water Supply Division (WSD), within the Michigan Department of Public Health (MDPH), has responsibility for approval of public water supply plans and specifications, under the authority of Public Act 399 of 1976. These plans and specifications must be approved prior to construction of community or noncommunity public water supply facilities. Plan review authority for noncommunity water supplies may be processed through the local health department in many parts of the State.

A. NAME OF PERMIT OR APPROVAL:

- Approval of Public Water Supply Plans and Specifications (S)

B. STATUTORY AUTHORITY:

- Public Act 399 of 1976

C. TITLE OF REGULATION:

- Administrative Rules, Sections 325.11302 and 325.11304

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Modification, addition, erection, installation, or alteration of any community or noncommunity water works system which affects flow, capacity, system service area, source, treatment, or reliability

2. General Requirements

- Determination that the plans and specifications are complete and adequate to protect the public health

3. Submission Requirements

- Transmittal letter summarizing the plan or project must be submitted with the plans or specifications for approval

CHAPTER 5.19 (continued)

- WSD may request an engineering report for the project or a basis of design, or both
- The supplier of water or designated agent shall use "Recommended Standards for Water Works", prepared by the Great Lakes Upper Mississippi Board of State Sanitary Engineers, as guidance when preparing plans and specifications

4. Procedures for Obtaining Permit or Approval

- Applicant submits letter and plans and specifications to WSD
- Final review and decision by WSD

5. Operations Requirements

- Must maintain current information on record with WSD

6. Fees

- None

7. Appeal Process

- The supplier of water may request contested case hearing by filing a petition with WSD if permit is denied
- The Director of WSD issues final decision

E. ADMINISTERING AGENCY:

Water Supply Division
Michigan Department of Public Health
3500 North Logan
P.O. Box 30035
Lansing, Michigan 48909
(517) 373-1376

CHAPTER 5.20

CERTIFICATIONS FOR WATERWORKS OPERATORS AND WATER TESTING LABORATORIES

INTRODUCTION

The Water Supply Division (WSD), within the Michigan Department of Public Health (MDPH), has responsibility for certification of waterworks operators and water testing laboratories, under the authority of Public Act 399 of 1976. These operators and laboratories must be certified for the protection of all persons involved.

A. NAME OF PERMIT OR APPROVAL:

- Certifications for Waterworks Operators and Water Testing Laboratories (S)

B. STATUTORY AUTHORITY:

- Public Act 399 of 1976

C. TITLE OF REGULATION:

- Administrative Rules, Part 19

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- All waterworks operators involved in the treatment and distribution of potable water; laboratories used for testing of water

2. General Requirements

Operators

- MDPH, in concurrence with a 9 member advisory board, schedules all written exams at least once a year (notice must be at least 90 days before exam)
- Applicant must apply 45 days prior to exam
- Applicant must be notified of eligibility to write at least 15 days prior to exam

CHAPTER 5.20 (continued)

- Results are publicly published
- Applicant must possess and indicate a minimum level of education and experience points for eligibility to pass a particular exam (passing grade of 60 percent)

Laboratories

- Laboratories must have sufficient space, required instruments and equipment, and trained technicians

3. Submission Requirements

Operators

- General personal information
- Name, address, and telephone number
- Certificates held and sought
- Personal references
- Description of applicable education and experience

Laboratories

- Laboratories must have true and updated addresses and a definite contact person

4. Procedures for Obtaining Permit or Approval

Operators

- Operator desiring certification submits application to WSD
- Completed form is rated by WSD staff member who considers applicant's education and experience
- A passing grade of 60 percent is required on written exam

Laboratories

- A written request to WSD

5. Operations Requirements (Laboratories)

- Laboratories must pass physical inspection

CHAPTER 5.20 (concluded)

- Laboratories are evaluated once every 3 years by an evaluating officer assigned by WSD and approved by the U.S. Environmental Protection Agency

6. Fees

- None

7. Appeal Process

- Operators may request hearing before a 9 member advisory board of a contested case hearing
- The person in charge of a laboratory may informally appeal questionable areas with proper district engineer or evaluating office
- Formal appeal may be made directly to deputy division chief

E. ADMINISTERING AGENCY:

Water Supply Division
Michigan Department of Public Health
3500 North Logan
P.O. Box 30035
Lansing, Michigan 48909
(517) 373-1376

CHAPTER 5.21

RADIATION MACHINE REGISTRATION

INTRODUCTION

The Radiological Health Division (RHD), within the Michigan Department of Public Health, has responsibility for registering radiation machines, under the authority of Public Act 368 of 1978, as amended. Radiation machines must be registered for the protection and safety of all persons involved.

A. NAME OF PERMIT OR APPROVAL:

- Radiation Machine Registration (S)

B. STATUTORY AUTHORITY:

- Public Act 368 of 1978, as amended

C. TITLE OF REGULATION:

- Ionizing Radiation Rules Governing Radioactive Material and Electronic Product Radiation

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- All radiation machines

2. General Requirements

- Applicant must comply with the requirements of the Ionizing Radiation Rules and any registration conditions
- Inspection prior to registration is not usually required

3. Submission Requirements

- Owner/Authorized user
- Responsible radiation protection supervisor
- Radiation safety control
- Type of facility

CHAPTER 5.21 (continued)

- Type of equipment
- Number of tubes
- Type of use
- Location
- Fee

4. Procedures for Obtaining Permit or Approval

- Applicant submits Form RH-555 to RHD with proper fee before use of equipment
- Following review of the form for completeness, a certificate is issued
- Total estimated processing time, 6 weeks - 3 months, but use of equipment is not normally prohibited during the processing time

5. Operations Requirements

- Must pass physical and records inspections

6. Fees

	<u>Original</u>	<u>Renewal</u>	<u>Frequency of Renewal</u>
● Dental tubes - \$30 for 1st tube \$15 for each additional tube		Same	Annual
● Non-dental tubes \$50/tube		Same	Annual
● \$100 per x-ray tube for facilities found in significant noncompliance with the "Ionizing Radiation Rules" (these fees are applied based on the judgement of the MDPH when reinspection is necessary within the same year, the violations are noted, and the registrant has failed to provide written notice of corrections)			

7. Appeal Process

- o See Administrative Procedures Act, Public Act 306 of 1969

CHAPTER 5.21 (concluded)

E. ADMINISTERING AGENCY:

Radiological Health Division
Michigan Department of Public Health
3500 North Logan
P.O. Box 30035
Lansing, Michigan 48909
(517) 373-1578

CHAPTER 5.22

RADIOACTIVE MATERIAL LICENSE FOR NARM

INTRODUCTION

The Radiological Health Division (RHD), within the Michigan Department of Public Health, has responsibility for issuing licenses for naturally-occurring and accelerator-produced radioactive materials (NARM), under the authority of Public Act 368 of 1978, as amended. This program is not yet implemented. The Governor of Michigan was requested to determine the appropriateness of licensing NARM which currently is not regulated by the Federal government.

A. NAME OF PERMIT OR APPROVAL:

- Radioactive Material License for NARM

B. STATUTORY AUTHORITY:

- Public Act 368 of 1978, as amended

C. TITLE OF REGULATION:

- Ionizing Radiation Rules Governing Radioactive Material and Electronic Product Radiation

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- All NARM
- Particle accelerators capable of NARM production

2. General Requirements

- This program is not yet implemented. The requirements, however, would be in compliance with the Ionizing Radiation Rules and any license conditions

3. Submission Requirements

- Intended procurement, storage, use, and disposal of radioactive material
- Facilities

CHAPTER 5.22 (continued)

- Training
- Procedures
- Users
- Responsible RPS
- Location
- Fees

4. Procedures for Obtaining Permit or Approval

- The decision to implement NARM licensing has not been made
- If implemented, information submitted for a license would be technically reviewed by RHD before issuance of a license
- Processing time could range from days to months
- Inspection prior to licensing would not normally be required
- License issued for 5 years

5. Operations Requirements

- Must pass physical and records inspection

6. Fees

- | | | | |
|---|-----------------|---------------|-----------------------------|
| ● | <u>Original</u> | <u>Annual</u> | <u>Frequency of Renewal</u> |
| | \$35 - \$2,000 | Same | Every 5 years |

7. Appeal Process

- See Administrative Procedures Act, Public Act 306 of 1969

E. ADMINISTERING AGENCY:

Radiological Health Division
Michigan Department of Public Health
3500 North Logan
P.O. Box 30035
Lansing, Michigan 48909
(517) 373-1578

CHAPTER 5.23

NOISE REGULATIONS

No regulations, permits, or approvals exist for State regulation of noise in the State of Michigan at this time. Noise may be regulated on the local government level in the State. Local government agencies should be contacted for information related to noise regulations.

SECTION 6.0

SOCIAL/ECOLOGICAL PRESERVATION

CHAPTER 6.1

HISTORIC PRESERVATION REVIEW

INTRODUCTION

Any federally funded or licensed project must allow the State Historic Preservation Office (SHPO), Michigan History Division (MHD), within the Department of State, an opportunity to comment on the project's effect upon properties significant in American history, architecture, archaeology, or culture, under the authority of the National Historic Preservation Act of 1966.

A. NAME OF PERMIT OR APPROVAL:

- Historic Preservation Review (F&S)

B. STATUTORY AUTHORITY:

- National Historic Preservation Act of 1966
- Public Law 89-665, as amended

C. TITLE OF REGULATION:

- Code of Federal Regulations, Title 36, Part 800 (P)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- All federally funded or licensed (permitted) projects which involve any ground-disturbing activities or alteration of structures 50 years old or older

2. General Requirements

- No special application form is required

3. Submission Requirements

- The following information must be submitted with each request for a review:
 - A brief description of the project
 - A map of the project location

CHAPTER 6.1 (continued)

- A detailed map of routings (for sewer and water projects)
- Photographs of structures 50 years old or older which will be altered or demolished (black and white, 3 in. x 5 in. are preferred)
- A brief statement describing current and previous land use

4. Procedures for Obtaining Permit or Approval

- Applicant submits review request to the Environmental Review Coordinator at SHPO
- Staff review is conducted by the Historic Sites and Archaeology Unit
- A letter is issued by SHPO commenting on the effect upon cultural resources
- Processing time for ordinary project, approximately 2 weeks

5. Operations Requirements

- Approximately 5 percent of the projects require a professional survey to locate and identify significant cultural resources (see Code of Federal Regulations, Title 36, Section 800.4)
- Monitoring by a professional may be required during construction

6. Fees

- Historic Preservation Review - None
- Surveys vary in cost - \$100 - \$1,000 for most projects, but are not done by MHD

7. Appeal Process

- Determination of eligibility to the National Register of Historic Places may be appealed according to Code of Federal Regulations, Title 36, Part 1202
- The required surveys can be discussed with the State Archaeologist or Historic Sites Unit Supervisor

CHAPTER 6.1 (concluded)

E. ADMINISTERING AGENCY:

Director, State Historic Preservation Office
Michigan History Division
Department of State
208 North Capitol Avenue
Lansing, Michigan 48918
Attn: Environmental Review Coordinator
(517) 373-0510

CHAPTER 6.2

SALVAGE/RECOVERY PERMIT

INTRODUCTION

The Michigan History Division (MHD), within the Department of State; and the Michigan Department of Natural Resources have responsibility for issuance of salvage/recovery permits, under the authority of Public Acts 173 of 1929 and 184 of 1980. Any lost or abandoned item on the bottomlands of the Great Lakes, including a ship and its cargo, is State property, therefore no person may remove any such property without a permit.

A. NAME OF PERMIT OR APPROVAL:

- Salvage/Recovery Permit (S)

B. STATUTORY AUTHORITY:

- Public Act 173 of 1929, as amended
- Public Act 184 of 1980

C. TITLE OF REGULATION:

- Code of Federal Regulations Sections 299.6001 and 299.6002

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Removal of any property from the bottom of the Great Lakes with one exception: if the property is found outside a preserve, not on a ship or plane, and can be picked up by hand without the use of any tools such as a knife or powered tool, then no permit is needed for recovery

2. General Requirements

- Special permit applications are required

3. Submission Requirements

- Name of ship or aircraft to be raised, or on or around which recovery will occur
- Location

CHAPTER 6.2 (continued)

- Description of items to be recovered
 - Recovery methods
 - Alteration to ship or craft
 - Where items can be inspected
4. Procedures for Obtaining Permit or Approval
- Applicant submits application to MHD
 - Application reviewed for completeness
 - Review made by both the Department of Natural Resources and MHD
 - Permit is denied, approved, or approved with conditions
 - Decision on the application is rendered within 30 days
5. Operations Requirements
- Salvage condition may be required
 - A report must be made to the State within 30 days after recovery indicating items were salvaged
 - The state may inspect the property for historic value
6. Fees
- None
7. Appeal Process
- Applicants aggrieved by any condition in a permit or by a denial of an application may appeal to the Director of the Department of Natural Resources or Secretary of State

E. ADMINISTERING AGENCY:

Deputy Director
Michigan History Division
Department of State
208 North Capital
Lansing, Michigan 48918
(517) 373-0510

CHAPTER 6.3
ANTIQUITIES PERMIT

INTRODUCTION

Any person wishing to survey for or excavate archaeological sites on State properties must obtain an antiquities permit from the Montana Department of Natural Resources and the Department of State, under the authority of Public Acts 173 of 1929 and 184 of 1980.

A. NAME OF PERMIT OR APPROVAL:

- Antiquities Permit (S)

B. STATUTORY AUTHORITY:

- Public Act 173 of 1929
- Public Act 184 of 1980

C. TITLE OF REGULATION:

- None

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Exploration, excavation, or surveying of any aboriginal records and other antiquities including mounds, earthworks, forts, burials, and village sites, mines or other relics, and abandoned property found within or upon any State owned or controlled lands

2. General Requirements

- No special application form is required

3. Submission Requirements

- Location of state-owned/controlled property
- Description of archaeological site
- Purpose for investigation, survey or testing

CHAPTER 6.3 (continued)

- Dates the work is to be accomplished
 - Name of the principal investigator
 - Intended disposition of artifacts
4. Procedures for Obtaining Permit or Approval
- Specific procedures are currently being formulated by the Department of Natural Resources and the Department of State
5. Operations Requirements
- Excavation conditions may be required
 - A report of the work must be made to the State
 - Artifacts are the property of the State
6. Fees
- None
7. Appeal Process
- None at present

E. ADMINISTERING AGENCY:

State Archaeologist
Michigan History Division
Department of State
208 North Capitol Avenue
Lansing, Michigan 48918
(517) 373-0510

CHAPTER 6.4

SALE OF RIGHTS TO ANTIQUITIES

INTRODUCTION

The Michigan History Division (MHD), within the Department of State, has responsibility for sale of rights to antiquities, under the authority of Public Acts 173 of 1929 and 184 of 1980. When State-owned land is conveyed, a clause is attached to the deed reserving the rights to original antiquities unless these rights are first sold by the State.

A. NAME OF PERMIT OR APPROVAL:

- Sale of Rights to Antiquities (S)

B. STATUTORY AUTHORITY:

- Public Act 173 of 1929
- Public Act 184 of 1980

C. TITLE OF REGULATION:

- None

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- State-owned land is purchased and the prospective owner wishes to remove the rights to antiquities clause from the deed

2. General Requirements

- No special application form is required

3. Submission Requirements

- Location of property

4. Procedures for Obtaining Permit or Approval

- Specific procedures are currently being formulated by the Department of Natural Resources and the Department of State

CHAPTER 6.4 (continued)

5. Operations Requirements

- A professional survey may be required to locate and identify significant archaeological resources

6. Fees

- \$25

7. Appeal Process

- None at present

E. ADMINISTERING AGENCY:

State Archaeologist
Michigan History Division
Department of State
208 North Capitol Avenue
Lansing, Michigan 48918
(517) 373-0510

CHAPTER 6.5

ARCHAEOLOGICAL EXPLORATION PERMIT

INTRODUCTION

The Michigan History Division (MHD), within the Department of State, and the Lands Division (LD), within the Michigan Department of Natural Resources, have responsibility for issuing archaeological exploration permits, under the authority of Public Act 184 of 1980. The purpose of this permit is to protect any archaeological finds in the State of Michigan.

A. NAME OF PERMIT OR APPROVAL:

- Archaeological Exploration Permit (S)

B. STATUTORY AUTHORITY:

- Public Act 184 of 1980, Section 3

C. TITLE OF REGULATION:

- None

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any archaeological exploration on State lands

2. General Requirements

- These permits are issued by the MHD, in coordination with LD
- Special restrictions may be placed on each permit

3. Submission Requirements

- As required in the permit application

CHAPTER 6.5 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to MHD and LD
- Final review and decision by MHD

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit

6. Fees

- None

7. Appeal Process

- None

E. ADMINISTERING AGENCY:

Michigan History Division
Department of State
208 North Capitol Avenue
Lansing, Michigan 48918
(517) 373-0510

CHAPTER 6.6

ENDANGERED OR TREATED PLANT COLLECTOR'S PERMIT

INTRODUCTION

The Wildlife Division (WD), within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing permits to collect, harvest, or remove plants protected under the Endangered Species Act of 1974, Public Act 203 of 1974. This is a multipurpose permit which may be used for scientific collecting, controlled harvest of species having resource value such as American Ginseng (*Panax quinquefolius*), and reasonable removal of threatened species for development purposes. The removal of endangered plants is rarely allowed and requires special permits for each taking.

A. NAME OF PERMIT OR APPROVAL:

- Threatened Plant Collector's Permit (S)

B. STATUTORY AUTHORITY:

- Endangered Species Act of 1974, Public Act 203 of 1974, Sections 6(5) and (7)(b)

C. TITLE OF REGULATION:

- Harvest regulations for American Ginseng
- Rules for scientific collecting
- Guidelines for developers

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Collecting for scientific or educational purposes, for propagation to ensure species survival, or the taking of a threatened species when the Natural Resources Commission has determined that its abundance in the State justifies a controlled harvest

2. General Requirements

- Scientific collectors must have academic ties with at least one Michigan university or with Cranbrook Institute of Science

CHAPTER 6.6 (continued)

- Dried materials must be deposited in a institutional herbarium in Michigan
- Ginseng harvestors must observe a digging season and minimum size limitations
- Applicant must have land owners or land managers written permission to collect
- Annual reports are prerequisite to issuance of subsequent permits

3. Submission Requirements

- Legal description of land
- Species proposed to collect
- Personal data for identification purposes

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to MDNR
- Application is reviewed for approval by appropriate MDNR staff and Technical Committee for Plants for Michigan's Endangered Species Program
- The taking of listed plants for development purposes is also reviewed by appropriate local planning commission
- Permit is mailed with copies to appropriate MDNR land manager, district law supervisor, and the local conservation officer

5. Operations Requirements

- Applicant must comply with all stipulations in the permit (Special conditions vary considerably for development takings)

6. Fees

- None

7. Appeal Process

- If a permit is denied there may be an appeal to the Director of the MDNR

CHAPTER 6.6 (concluded)

- If the denial is upheld, a further appeal may be made to the Natural Resources Commission or suit may be brought in a court of competent jurisdiction

E. ADMINISTERING AGENCY:

Wildlife Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1263

CHAPTER 6.7

SCIENTIFIC COLLECTORS PERMIT FOR WILDLIFE

INTRODUCTION

The Wildlife Division (WD), within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing scientific collector's permits for wildlife, under the authority of Public Act 286 of 1929. The purpose of this permit is to protect all wildlife in the State of Michigan.

A. NAME OF PERMIT OR APPROVAL:

- Scientific Collectors Permit for Wildlife (S)

B. STATUTORY AUTHORITY:

- Public Act 286 of 1929

C. TITLE OF REGULATION:

- Rules for the Issuance of a Scientific Collector's Permit

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any person intending to collect, possess, transport, or dispose of protected species of wild birds or mammals

2. General Requirements

- The application must be endorsed by 2 people who know the applicant, and believe that the permit is necessary (these signatures are an important factor in evaluating the permit application)
- A local conservation officer may contact the applicant for detailed information about the project
- Permits expire at the end of the calendar year in which they are issued
- Restrictions in the permit will specify the number of birds or mammals to be taken, the methods to be used, the location of collections, and other conditions relating to the manner in which species may be collected

CHAPTER 6.7 (continued)

- A state permit to collect migratory birds is not effective until a Federal permit has also been issued
- Endangered or threatened species may be taken under this permit only with special authorization from the Lansing WD office
- The permit further requires the collector to use good judgement in making collections and to be cognizant of public reaction to collection activities

3. Submission Requirements

- General Area where collections will be made
- Species (and numbers of each) needed to collect
- Methods of collecting where specimens will be kept (Must ultimately go to a public museum or scientific or educational institution)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to WD
- Local conservation officer may contact applicant for detailed information
- Final review and decision by WD

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit
- Permittee must submit an annual report of wildlife taken under permit within 10 days after expiration of permit

6. Fees

- \$1 (may be waived if applicant is regularly affiliated with an education or research institution)

7. Appeal Process

- May be appealed to director of MDNR

CHAPTER 6.7 (concluded)

E. ADMINISTERING AGENCY:

Wildlife Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1263

CHAPTER 6.8

APPROVAL FOR PLACING SCREENS IN STREAMS

INTRODUCTION

The Fisheries Division (FD), within the Michigan Department of Natural Resources, has responsibility for issuing approvals for placing screens in streams, under the authority of Public Act 123 of 1929. The purpose of this permit is to protect the free passage of fish.

A. NAME OF PERMIT OR APPROVAL:

- Approval for Placing Screens in Streams (S)

B. STATUTORY AUTHORITY:

- Fish Chutes and Ladders Act, Public Act 123 of 1929

C. TITLE OF REGULATION:

- Free Passage of Fish

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- It is unlawful for any person to obstruct the course of any river, stream or other body of water by placing therein any net, screen, or any other apparatus of any kind which will tend to prevent the free passage of fish, unless authorized by FD

2. General Requirements

- No formal permit is issued for such activity, but an individual may request approval to install a screen in writing to the district fisheries biologist

3. Submission Requirements

- Letter explaining
 - purpose of obstruction
 - material or equipment to be used
 - time and place of installation
 - other pertinent information

CHAPTER 6.8 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant sends letter of request to fisheries biologist
- Biologist reviews request and may modify the time and location requests
- Total estimated processing time, 10 days
- Written letter of authorization is sent to applicant

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit

6. Fees

- None

7. Appeal Process

- None

E. ADMINISTERING AGENCY:

Fisheries Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1230

CHAPTER 6.9

SCIENTIFIC COLLECTORS PERMIT FOR FISH

INTRODUCTION

The Fisheries Division (FD), within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing scientific collector's permits, under the authority of Public Act 165 of 1929. The purpose of this permit is to protect navigation, fish number, and species in the State of Michigan.

A. NAME OF PERMIT OR APPROVAL:

- Scientific Collectors Permit for Fish (S)

B. STATUTORY AUTHORITY:

- Public Act 165 of 1929

C. TITLE OF REGULATION:

- Fish Culture or Scientific Investigation

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Taking of any kind of fish for culture or scientific study

2. General Requirements

- If the fish needed for study cannot be obtained or possessed under the provisions of a sport fishing license, application for a scientific collectors permit can be made to FD
- The applicant's plans must demonstrate that the collection of fish will not endanger any fish species, will not interfere with fishing or navigation, and will not result in the taking of an unreasonable number of species
- Alternative equipment, sampling areas and methods, dates, and numbers of fish to be taken may be required
- As a condition of the permit, notification must be given to a designated field representative, usually the local conservation officer, before collection begins

CHAPTER 6.9 (continued)

- A scientific collectors permit can be issued for a single collection trip, annually, or for a longer period of time, as required, to complete the research

3. Submission Requirements

- Letter explaining
 - Scope of study
 - Location and duration
 - Material and equipment to be used
 - Justification

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to FD
- Final review and decision by FD
- Total estimated processing time, 1 week

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit
- A final report of the species, numbers taken, and means of disposal is required

6. Fees

- None

7. Appeal Process

- Roger's hearing

E. ADMINISTERING AGENCY:

Fisheries Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1230

CHAPTER 6.10
SCIENTIFIC INVESTIGATION PERMIT

INTRODUCTION

The Fisheries Division (FD), Great Lakes Section, within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing scientific investigation permits, under the authority of Public Act 84 of 1929. The purpose of this permit is to protect the fish population in the Great Lakes.

A. NAME OF PERMIT OR APPROVAL:

- Scientific Investigation Permit (S)

B. STATUTORY AUTHORITY:

- Public Act 84 of 1929

C. TITLE OF REGULATION:

- None

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any person interested in conducting fisheries research in the Great Lakes

2. General Requirements

- Research must be conducted under the regulations of the Great Lakes Section staff, with periodic inspections of the project
- Permit may be revoked if the permit conditions are not met

3. Submission Requirements

- Letter explaining
 - Scope of study
 - Location and duration
 - Material and equipment to be used
 - Justification

CHAPTER 6.10 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant submits letter requesting research permit to the Great Lakes Section, FD
- FD reviews the proposal and evaluates the merits of the study and the credentials of the applicant
- If the project is favorably reviewed, permit conditions will be drawn up in consultation between the applicant and Great Lakes staff personnel
- Total estimated processing time, 2 - 48 weeks

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit

6. Fees

- None

7. Appeal Process

- Roger's hearing

E. ADMINISTERING AGENCY:

Great Lakes Section
Fisheries Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-1230

CHAPTER 6.11

PERMIT TO DREDGE, FILL, DRAIN SURFACE WATER, OR CONSTRUCT, OPERATE, OR MAINTAIN ANY USE OR DEVELOPMENT IN A WETLAND

INTRODUCTION

The Land Resource Program Division (LRPD), Wetland Protection Unit, within the Michigan Department of Natural Resources (MDNR), has responsibility for issuing permits to dredge, fill, drain surface water, or construct, operate, or maintain any use or development in a wetland, under the authority of Public Act 203 of 1979. The purpose of this permit is to protect wetlands and the vegetation and animals associated with them.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Dredge, Fill, Drain Surface Water, or Construct, Operate, or Maintain Any Use or Development in a Wetland (S)

B. STATUTORY AUTHORITY:

- Goemaere-Anderson Wetland Protection Act, Public Act 203 of 1979

C. TITLE OF REGULATION:

- None

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any projects on or near wetlands

2. General Requirements

- Wetland is defined as "land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh..." What this means in simpler terms is that a wetland is a site so influenced by water that only plants and animals survive there which are specifically adapted to a wet environment. Thus, places that are only wet for short periods of time in early spring, after hard rains, etc., but do not contain aquatic plants and animal are NOT wetlands and do not come under regulation of the Act

CHAPTER 6.11 (continued)

- The proposed project shall not be approved unless the MDNR determines that the issuance of a permit is in the public interest, that the permit is necessary to realize the benefits derived from the activity, and that the activity is otherwise lawful
- A permit shall not be issued unless it is shown that an unacceptable disruption will not result to the aquatic resources and the applicant has shown that either
 - the proposed activity is primarily dependent upon being located in the wetland, or
 - a feasible and prudent alternative does not exist
- If a project solely involves the discharge of fill material subject to the individual permit requirements of Section 404 of Title 4 of the Clean Water Act of 1977, an additional permit is not required by Public Act 203 of 1979. Activities which require a permit under Public Act 247 of 1955 or Public Act 346 of 1972 shall not require a permit under Public Act 203 of 1979

3. Submission Requirements

- Completed application form
- Vicinity map detailing the project's location in relation to existing land marks
- Cross section plan view of the project site with evaluations depicting existing and proposed land conditions
- Approximate cubic yardage of fill or dredge material
- Project plans represented by a complete accurate drawing, including dimensions, proposed and existing structures, existing water's edge, approximate size of wetland area, etc.
- Demonstration that the proposed activity is primarily dependent upon being located in the wetland and/or a feasible and prudent alternative does not exist (failure to provide the above information and the filing fee will result in nonaction on the application until the material is provided)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to the LRPD
- A maximum application review period of 90 days is provided by the Act

CHAPTER 6.11 (concluded)

- During a comment period of 20 days from the issuance of the public notice, an interested person may request a public hearing on the application
- If held, MDNR has an additional 90 days after the hearing to make a decision on the application
- The municipality in which the proposed project is located has 45 days to comment on the application

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit

6. Fees

- \$25

7. Appeal Process

- If an application is denied for a proposed activity, the landowner may request a reevaluation of the affected property for assessment purposes to determine its fair market value under the use restriction
- If an application is denied for a proposed activity, the landowner may appeal the decision to MDNR Director requesting a contested case hearing under the State's Administrative Procedures Act, 1969 Public Act 306, as amended (a decision from this process can be appealed to the courts)

E. ADMINISTERING AGENCY:

Wetland Protection Unit
Land Resource Programs Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-3328

CHAPTER 6.12

PERMIT FOR CERTAIN ACTIVITIES NEAR SHORELANDS OF THE GREAT LAKES AND CONNECTING WATERWAYS

INTRODUCTION

The Land Resource Programs Division (LRPD), Great Lakes Shorelands Section, within the Michigan Department of Natural Resources, has responsibility to review projects to construct permanent structures in designated high risk erosion areas, designated flood risk areas and designated environmental areas. In addition, septic system placement in high risk erosion areas and alteration of the soil such as dredging, filling and grading, alteration of drainage and alteration of vegetation are reviewed in environmental areas. This authority resides under Public Act 245 of 1970. The purpose of this authority is to provide consumer protection by reducing losses to property owners from erosion and flooding and to protect valuable habitat necessary for the preservation and maintenance of fish and wildlife.

A. NAME OF PERMIT OR APPROVAL:

- Permit for Construction in a High Risk Erosion Area
- Permit for Construction in a Flood Risk Area
- Permit for Construction or Alteration in an Environmental Area

B. STATUTORY AUTHORITY:

- Shorelands Protection and Management Act, Public Act 245 of 1970, as amended

C. TITLE OF REGULATION:

- Shorelands Protection and Management Act

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- In the absence of an approved local ordinance, any person or agency proposing to erect, install, or alter a permanent structure on a parcel of property, any portion of which is designated as a high risk erosion area, must first apply for and obtain a permit

CHAPTER 6.12 (continued)

- In the absence of an approved local ordinance, any person or agency proposing a new permanent structure on a parcel, any portion of which is a designated flood risk area, must first obtain a permit
- In the absence of an approved zoning ordinance, any person or agency proposing to dredge, fill, grade or otherwise alter the soil, alter the natural drainage, or alter the vegetation on a parcel or property within the designated environmental area boundary, must first obtain a permit

2. General Requirements

- If a site inspection is required, up to 60 days are available to review the project
- An application is required for any of the proposed activities unless the local government has an approved ordinance, in which case the review is handled locally

3. Submission Requirements

- Applications must contain detailed drawings in most cases
- Applicant may be required to submit other information on request

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to LRPD
- Applications are normally reviewed within 60 days or less of receipt
- The permit is valid for 180 days from date of issuance and may be extended at the discretion of LRPD

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations and any stipulations set forth in the permit
- After completion of the project, a final inspection will be made by MDNR to certify that the applicant has complied with the permit requirements

6. Fees

- None

CHAPTER 6.12 (concluded)

7. Appeal Process

- Aggrieved party may file petition for hearing pursuant to Public Act 306 of 1969, as amended

E. ADMINISTERING AGENCY:

Land Resource Programs Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-3328

CHAPTER 6.13

PERMIT FOR CONSTRUCTION ACTIVITIES AFFECTING INLAND LAKES AND STREAMS

INTRODUCTION

The Division of Land Resource Programs (DLRP), Land, Lake and Stream Protection Section, within the Michigan Department of Natural Resources (MDNR), has responsibility for a permitting process regulating construction activities on or over bottomlands of inland lakes and streams, under the authority of the Public Act 346 of 1972, as amended. The purpose of this permit is to protect the public trust and interest and riparian rights in inland lakes and streams.

A. NAME OF PERMIT OR APPROVAL:

- Permit for Construction Activities Affecting Inland Lakes and Streams (S)

B. STATUTORY AUTHORITY:

- Inland Lakes and Streams Act, Public Act 346 of 1972, as amended

C. TITLE OF REGULATION:

- Inland Lakes and Streams Act

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any construction, dredging, or filling of any part of a lake or riverbed, upland channeling, or any structural interference with the flow of the water
- All activities involving dredge or fill of bottomlands; construction, enlargement, extension, removal or placement of structures on bottomlands
- Erection, operation or maintenance of a marina
- Creation, enlargement or diminishing of an inland lake or stream
- Structural interference with the natural flow of an inland lake or stream

CHAPTER 6.13 (continued)

- Construction or enlargement of an artificial channel, pond, or similar waterway where the purpose is the connection with an existing inland lake or stream or where any part of the artificial waterway is located within 500 feet of the ordinary high water mark of an existing inland lake or stream
- Connection of any natural or artificially constructed waterway, pond or lake with an existing inland lake or stream for any purpose

2. General Requirements

- Only riparian land owners or authorized agents may file an application for a permit
- Copies of the the application are provided to the U.S. Army Corps of Engineers, and public notices are sent to the Department of Public Health, Soil Conservation Service District, County Clerk's Office and other affected divisions and agencies for comment
- The proposed project may not adversely affect the public trust or riparian rights
- MDNR must consider the possible effects of the project on waters and uses of such waters including recreation, fish and wildlife, aesthetics, local government, agriculture, and industry
- A site inspection is required

3. Submission Requirements

- Completed application form including
 - Vicinity map
 - Cross sectional and overview diagrams
 - Fee (if required)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to the DLRP
- Permits are normally acted upon within 60 days of receipt of completed application

CHAPTER 6.13 (concluded)

- The permit is valid for 1 year and may be extended twice
- After completion of the project, a final inspection will be made by MDNR to certify that the applicant has complied with the permit requirements

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit

6. Fees

- \$25

7. Appeal Process

- Formal hearing conducted in accordance with provisions for contested cases, Public Act 306 of 1969, as amended
- Circuit Court

E. ADMINISTERING AGENCY:

Land Lake and Stream Protection Section
Land Resource Programs Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-9244

CHAPTER 6.14

SOIL EROSION AND SEDIMENTATION CONTROL PERMIT

INTRODUCTION

The Land Resource Programs Division (LRPD), Land, Lakes and Streams Protection Section, within the Michigan Department of Natural Resources (MDNR), has the responsibility for issuing permits to undertake an earth change that crosses 2 or more county or local jurisdictional boundary lines, under the authority of Public Act 347 of 1972. The purpose of the permit is to prevent sediment pollution caused by off-site sedimentation and the occurrence of erosive velocities.

A. NAME OF PERMIT OR APPROVAL:

- Soil Erosion and Sedimentation Control Permit (S)

B. STATUTORY AUTHORITY:

- Soil Erosion and Sedimentation Control Act, Public Act 347 of 1972

C. TITLE OF REGULATION:

- Soil Erosion and Sedimentation Control Act of 1972, commonly called the "Sediment Act"

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- All earth changes as further determined under the subsection titled "General Requirements"

2. General Requirements

- "Earth Change" means a man-made change in the natural cover or topography of land, including cut and fill activities which may result in or contribute to soil erosion or sedimentation of the waters of the State (the practice of plowing and tilling soil for the purpose of crop production is not considered an earth change)
- If an earth change disturbs an area of 1 acre or more, or if the earth change is within 500 feet of a lake or stream measured from the ordinary high water mark, a permit is needed

CHAPTER 6.14 (continued)

- When the proposed earth change overlaps 2 or more areas under the jurisdiction of county and local enforcing agencies, the Land, Lakes and Streams Protection Section will act as the reviewing, issuing and enforcement agency (information on the application and permit procedures may be obtained from the administering agency)
- An authorized public safety agency, approved by MDNR, pursuant to the Soil Erosion and Sedimentation Control Act, is exempt from the requirement of obtaining a permit for an earth change, but must notify the appropriate enforcing agency, in advance, of the earth change activity

3. Submission Requirements

- Application accompanied by a soil erosion and sedimentation control plan
- Any other documentation requested by the administrative agency

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to LRPD
- Upon a determination that an applicant has met all the requirements, the administering agency issues a permit

5. Operations Requirements

- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit
- The administering agency is responsible for the administration and enforcement of the permit, field inspections of the project and final approval of the earth change activities

6. Fees

- The administering agency charges no fees for services rendered under the subsection titled "Operations Requirements"

7. Appeal Process

- An appeal seeking qualified information regarding administrative and enforcement procedures may be submitted to the chief of the administering agency

CHAPTER 6.14 (concluded)

- Appeals seeking interpretation of the Soil Erosion Sedimentation Control Act or its Corresponding Rules, may be submitted to the Natural Resources Commission for a declaratory ruling
- An appeal by an aggrieved party resulting from enforcement procedures and requirements by the administering agency may initiate a contested case hearing according to the Michigan Administrative Procedures Act (Public Act 306 of 1969)

E. ADMINISTERING AGENCY:

Land, Lakes and Streams Protection Section
Land Resource Programs Division
Michigan Department of Natural Resources
P.O. Box 30028
Lansing, Michigan 48909
(517) 373-9244 or 373-8000

SECTION 7.0
LOCAL REGULATORY POLICY

CHAPTER 7.1

LOCAL GOVERNMENT LAND USE AND NATURAL RESOURCE CONTROL ENABLING LAWS

Michigan's Solid Waste Management Act (Public Act 641, 1978), Hazardous Waste Management Act (Public Act 64, 1979), and the Air Pollution Act (Public Act 348, 1965), have provisions for local health departments to become certified to assume local responsibility for portions of the regulatory programs. Only a handful of Michigan's 83 health departments are certified. To determine whether a specific health department is certified, contact the Michigan Department of Natural Resources office listed in this document with each specific law.

Many of the laws administered by the Department of Public Health provide for local participation. To determine whether a specific community is authorized, contact the Department of Public Health at the telephone number listed in this document with each specific law.

Zoning is governed locally. In addition, other local permits or approvals might be necessary for any given development. Following is a table which summarizes local permits that might be necessary:

LOCAL PERMITS

Agency	When Most Applicable to Consider ^a	Local Standards-Permits-Approvals	Statutory Basis and Rules (in addition to general "police power" or charter authority of communities)
Municipality	s	Zoning permit requirements	1923 PS 207, as amended-cities and villages 1943 PA 183, as amended-counties 1943 PA 184, as amended-townships
(and county drain and road commissions)	s		
	s	Subdivision approvals	1967 PA 288, as amended
	c	Building permits (includes electrical and plumbing.)	1972 PA 230, as amended
	s	Historic districts	1970 PA 169 and 1957 PA 213
	c	Street curb cuts and drive permits	
	s,c	Off-street parking requirements	
	c,o	Signs and outdoor advertising requirements	
	c,o	Landscape and land use buffer requirements	
	s,c	High risk erosion area permit	1970 PA 245
	s,c	Flood plain permit	1970 PA 245 and PL 90-448
	s,c	Natural rivers zoning permit	1970 PA 231
	s,c	Wetlands permit	1979 PA 203
County or Municipality	s,c	Soil erosion and sedimentation control permit	1972 PS 347, as amended
County Road Commission	s,c	Permit for road alterations	
	s,c	Permit for drain crossings	MCLA 224.1-224.31 1956 PA 40
County or municipal health department	s,c	Approval of sewer systems and tap ins	1978 PA 368
	s,c	Approval of water systems and tap ins	1978 PA 368
	c,o	Burning and disposal of construction debris	
Municipality	s,c	Franchise for use of highways incidental to electric distribution	1909 PA 266
Airport Zoning Agency	s	Structure height approval	
Railroad Company	s	Railroad crossing, sidetrack construction, or modifications	

^a s = site suitability
c = construction
o = operation