

Environmental Permits

Information to Assist Businesses, Institutions, and Municipalities with Project Planning and Permitting



Fact Sheet

The purpose of this document is to provide a basic overview of Michigan's principal environmental permitting requirements and is not exhaustive. The information contained in this document, as well as additional information about division programs and responsibilities, is more extensively outlined in the "Michigan Environmental Permit Guidebook" and can also be accessed through the Internet at www.deq.state.mi.us/ead/permits/intro.html.

The Michigan Department of Environmental Quality (MDEQ) regulates impact to the environment by issuing permits pursuant to the Natural Resources and Environmental Protection Act, Public Act 451 of 1994. The permits are regulatory tools to protect the soil, surface water, groundwater, and air.

The following four environmental divisions are responsible for administering specific permitting programs:

I. AIR QUALITY DIVISION

- Air Quality Installation Permit
- Air Quality Operating Permit

II. SURFACE WATER QUALITY DIVISION

- Surface Water Quality Discharge Permit (National Pollutant Discharge Elimination System [NPDES] Permit)

III. WASTE MANAGEMENT DIVISION

- Groundwater Discharge Authorizations

IV. LAND AND WATER MANAGEMENT DIVISION

- Inland Lakes and Streams
- Wetland Protection

- Great Lakes Submerged Land
- Shorelands of the Great Lakes and Connecting Waterways

AIR QUALITY INSTALLATION PERMIT

INTRODUCTION

The Air Quality Division (AQD) within the Michigan Department of Environmental Quality (MDEQ) is responsible for issuing air quality installation permit to assure that all new or modified sources of air pollution will not have a detrimental impact on human health, human welfare, or the environment and will comply with all applicable state and federal requirements.



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MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY



A. NAME OF PERMIT OR APPROVAL:

Air Quality Permit to Install

B. STATUTORY AUTHORITY:

Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended, Part 55 (formerly Public Act 348 of 1965, as amended, Section 5b)

C. TITLE OF REGULATION:

Administrative Rules for Air Pollution Control, Part 2

D. SUMMARY OF PERMIT APPROVAL PROCESS:

1. Applicability

Installation, construction, reconstruction, relocation, or alteration of any process, or process equipment, or control equipment pertaining thereto, which may be a source of an air contaminant, except for process or process equipment exempted from this requirement under the Part 2 rules.

2. General Requirements

Applicant must comply with the MDEQ Rules, the Federal Prevention of Significant Deterioration Regulations, the Federal New Source Performance Standards, the Federal National Emission Standards for Hazardous Air Pollutants, and any other requirements of the Federal Clean Air Act.

3. Submission Requirements

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

4. Fees

None

AIR QUALITY OPERATING PERMIT

INTRODUCTION

The Air Quality Division (AQD) is responsible for issuing air quality Renewable Operating Permits (ROPs) to ensure that all applicable air pollution control requirements for a major source are consolidated and clarified in a single, comprehensive document.



A. NAME OF PERMIT OR APPROVAL:

Air Quality Renewable Operating Permit

B. STATUTORY AUTHORITY:

- Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended, Part 55, Section 5506 (formerly Public Act 348 of 1965, as amended)
- Federal Clean Air Act, P.L. 101-549 of 1990, Title V

C. TITLE OF REGULATION:

- Administrative Rules for Air Pollution Control, Part 2, Rules R 336.1210 - R 336.1218 (Rules 210 to 218)
- Code of Federal Regulations 40 CFR, Part 70

D. SUMMARY OF PERMIT APPROVAL PROCESS:

1. Applicability

All "major sources" and certain other sources as described in R 336.1211 (Rule 211)

2. General Requirements

Application must address all applicable requirements from state and federal air pollution control requirements, including state rules, permits, and orders, and federal requirements including New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs).

3.Submission Requirements

- *To be considered timely, an administratively complete application must be submitted according to the schedule provided in R 336.1210(4) (Rule 210[4]) or within 12 months of becoming a “major source,” whichever is later.*
- *An administratively complete application must include a compliance plan and a schedule of compliance for each applicable requirement, and must be certified as to its truth, accuracy, and completeness by a responsible official.*

4.Fees

An emission-based fee system to cover the costs of this program is provided in Act 451, Part 55, Section 5522.

5.Contacts:

Air Quality Division: 517-373-7023

SURFACE WATER QUALITY DISCHARGE PERMIT

INTRODUCTION

The Surface Water Quality Division (SWQD) within the MDEQ is responsible for processing NPDES permits to protect the environment by controlling the discharge of pollutants into surface waters of the state.



A. NAME OF PERMIT OR APPROVAL:

NPDES Permit

B. STATUTORY AUTHORITY:

- Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended, Part 31 (formerly Public act 245 of 1929, as amended).
- Federal Clean Water Act

C. TITLE OF REGULATION:

- Part 4, Part 8, and Part 21 of the Administrative Rules adopted pursuant to 1994 Public Act 451, as amended, Part 31
- Code of Federal Regulations 40 CFR, Parts 122-133 and 401 - 471

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1.Applicability

Any discharge of waste, wastewater, and certain categories of stormwater runoff into the surface waters of Michigan.

2.General Requirements

- *Discharge permits must regulate discharges consistent with federal effluent limitation guidelines and other requirements of state and federal law, including state water quality standards.*
- *Permits are issued for a fixed term not to exceed five (5) years.*
- *A permit may be revoked following due process procedures if a violation of permit conditions arises; and*
- *If changed conditions dictate the need for changes in the discharge limitations or changes in permit conditions, the permit may be modified.*

3.Submission Requirements (Some of the following elements are not required in all cases.)

- *Facility name, physical location, address, and type of facility;*
- *Water supply source and water usage;*
- *Outfall location and wastewater type;*
- *Discharge flows, production rates for processes' contribution to the discharge, and treatment technologies;*

- *Water treatment additives;*
- *Expected wastewater characteristics;*
- *Toxic pollutants expected to be in the discharge;*
- *Biological toxicity testing data; and*
- *Certification of completeness and accuracy.*

4. Fees

- *Authorization to discharge stormwater runoff from an industrial activity or a municipal separate storm sewer system: \$200 annually;*
- *Authorization to discharge stormwater runoff from a construction site: \$125 one-time fee;*
- *All other NPDES permits: None.*

5. Contact

Surface Water Quality Division

517-373-8088

For stormwater discharges: 517-241-8993

GROUNDWATER DISCHARGE PERMIT

INTRODUCTION

The Waste Management Division (WMD) within the MDEQ is responsible for issuing authorizations to discharge to groundwater.

A. NAME OF PERMIT OR APPROVAL:

Groundwater Discharge Exemption, Certification, or Permit

B. STATUTORY AUTHORITY:

Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended, Part 31 (Water Resources Protection)

C. TITLE OF REGULATION:

- Wastewater Discharge Permits, R 323.2101-2192
- Groundwater Quality, R 323.2201-2240

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

Any discharge of waste or waste effluent into or onto the ground.

2. General Requirements

- *A permit or an exemption must be obtained prior to discharge of wastewater into or onto the ground or groundwaters of the state; certain discharges are authorized through permit by rule and only require notification by the discharger. Some notifications also require WMD certification prior to discharges; and*
- *Discharge authorization to prevent injury to groundwater quality in usable aquifers and maintain protected users.*

3. Submission Requirements

- *Notification form for certain discharges;*
- *Application form for permits, including:*
 - *Basis of design;*
 - *Evaluation of feasibility of alternatives;*
 - *Wastewater characterization;*
 - *Hydrogeological report;*
 - *Sampling and analysis plan; and*
 - *Other information dependent on wastewater characteristics and treatment proposed.*

4. Procedures for Obtaining Permit or Approval

- *Applicant submits notification or application to WMD;*
- *WMD staff reviews application and prepares certification, if applicable, or permit based on treatment proposed, discharge characteristics, and site suitability;*
- *30-day public notice for permits; and*
- *WMD provides certification for notification, if applicable, or grants or denies permit.*

The estimated processing time for certification of notification is 60 days. Total estimated processing time for permits is 180 days, depending on the complexity of the issues and the adequacy of the information submitted by the applicant. Technical review does not commence until the notification or application is determined to be administratively complete. Incomplete forms are returned to the applicant. Applicants are instructed to provide the missing information and resubmit the application.

5. Operations Requirements

Applicant must comply with all applicable rules and regulations, and conditions and limitations set forth in the permit, as well as all other applicable federal, state, and local regulations.

6. Fees

None

7. Contact

*Waste Management Division
517-373-8148*

LAND/WATER INTERFACE PERMITS

INTRODUCTION

The Land and Water Management Division (LWMD) within the MDEQ is responsible for protecting inland lakes and streams, wetlands, Great Lakes submerged land, and shorelands of the Great Lakes and connecting waterways.



The LWMD regulates any construction, dredging, or filling of any part of a lake or stream bed, upland channeling, or any structural interference with the flow of water. Activities involving dredge or fill of bottomland, construction enlargement, extension,

removal, or placement of structures on bottomlands of inland lakes and streams are also regulated by the LWMD.

Wetland protection requires permits to dredge, fill, or drain surface water, or construct, operate, or maintain any use or development in a wetland.

Great Lakes construction requires permits to dredge, fill, modify, construct, enlarge, or extend permanent structures in Great Lakes water or below the ordinary high water mark.

Projects are also reviewed for construction of permanent structures and additions in designated soil erosion and flood risk (flood plain) and environmental areas.

A. STATUTORY AUTHORITY:

- **Inland Lakes and Streams**
Public Act 451 of 1994, as amended, Part 301
- **Wetland Protection**
Public Act 451 of 1994, as amended, Part 303
- **Great Lakes Submerged Land**
Public Act 451 of 1994, as amended, Part 325
- **Great Lakes Shoreland Protection**
Public Act 451 of 1994, as amended, Part 323

**B. SUMMARY OF PERMIT/ APPROVAL PROCESS:
Inland Lakes And Streams**



1. Applicability
 - *Any construction, dredging, or filling of any part of a lake or streambed, 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;*
- *Creating, enlarging, or diminishing an inland lake or stream;*
- *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; or*
- *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 the land owner or authorized agent may file an application for a permit;*
- *Copies of the application are provided to the U.S. Army Corps of Engineers and public notices are sent to the Michigan Department of Public Health, Soil Conservation Service District, County Clerk's Office, and other affected divisions and agencies for comment;*
- *Project proposals may be reviewed by the U.S. Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers;*
- *Proposed projects will be reviewed for possible adverse effects to the public trust and to riparian rights;*
- *The MDEQ 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;*
- *To be approved, the project must also be in compliance with the requirements of the federal Clean Water Act; and*

- *A site inspection may be conducted by MDEQ staff and federal agencies with regulatory jurisdiction.*

3. Submission Requirements

- *Completed application form including: vicinity map, cross-sectional diagrams, fee (when required).*

4. Procedures for Obtaining Permit

- *Applicant submits application to the LWMD with appropriate fee;*
- *Permits are normally acted upon within sixty (60) days of receipt of completed application;*
- *The permit is normally valid for one (1) year and may be extended; and*
- *After completion of the project, a final inspection may be made by MDEQ to certify that the applicant has complied with the permit requirements.*

5. Operations Requirement

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

6. Fees

\$50 to \$2,000

**B. SUMMARY OF PERMIT/
APPROVAL PROCESS:**

Wetland Protection

1. Applicability

Any projects in regulated wetlands.

2. General Requirements

- *The law defines a wetland 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 commonly referred to as a bog, swamp or marsh..."*



- *In simpler terms, a wetland is an area that is influenced by water in which certain plants are likely to survive and reproduce. This may include areas that are seasonally wet, by a surface or ground water influence, to areas which are more permanently saturated throughout the year. Within the categories of the commonly referred to wetlands as stated in the law, Michigan wetlands that meet this definition can also be categorized as wet meadows, scrub-shrub areas, deciduous or coniferous forests, or fens.*
- *The definition describes wetlands that are under the jurisdiction of the act based upon certain conditions including location, size, and county population. They are as follows: (1) all wetlands contiguous to inland lakes, rivers, streams, or ponds, or the Great Lakes and connecting waterways; (2) wetlands in counties of 100,000 or greater population that are not contiguous to the bodies of water described in (1) but are more than five acres in size; (3) noncontiguous wetland of less than five acres in size if the area is essential to the preservation of the natural resources of the state and the state has so notified the landowner.*
- *The proposed project shall not be approved unless the MDEQ determines that the issuance of a permit is in the public interest, the permit is necessary to realize the benefits derived from the activity, and 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 also shown that either:*
 - *the proposed activity is primarily dependent upon being located in the wetland; or*

- *a feasible and prudent alternative does not exist.*

- *In order to be approved, a project must also meet the requirements of Section 404 of the Federal Clean Water Act.*
- *Project proposals may be reviewed by the U.S. EPA, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers. The MDEQ may not issue a permit granting federal approval over the objection of the U.S. EPA.*
- *Activities which require a permit under Part 325 (Submerged Lands) or Part 301 (Inland Lakes and Streams) do not require separate permits under Part 303.*

3. Submission Requirements

Completed application form including:

- *Vicinity map detailing the project's location in relation to existing land marks;*
- *Cross-section and plan view of the project site with elevations 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; and*
- *Other materials specific to the project that may be specified during review.*

Failure to provide the above information and filing fee will result in nonaction on the application until the material is provided.

4. Procedures for Obtaining Permit

Applicant submits application to the LWMD;

- *A maximum application review period of ninety (90) days is provided by Part 303 if the application is complete and no hearing is held;*
- *During a comment period of twenty (20) days from the issuance of the public notice, an interested person may request a public hearing on the application;*
- *If a hearing is held, MDEQ has an additional ninety (90) days after the hearing to make a decision on the application; and*
- *The municipality in which the proposed project is located has forty-five (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

Three types of wetland assessments:

- *Level 1 – In-office assessment: \$50.00;*
- *Level 2 – On-site assessment to flag a consultant's boundaries: \$200/1st acre, \$50 each additional acre.*

Questions should be referred to Ms. Wendy Veltman, Inland Lakes and Wetlands Unit, 517-241-8485.

C. SUMMARY OF PERMIT/
APPROVAL PROCESS:
Great Lakes Submerged Land



1. Applicability

Any dredging, filling, modification, construction, enlargement, or extension of permanent structures in Great Lakes waters or below the ordinary high mark of the Great Lakes.

2. General Requirements

- *Permit applications are reviewed jointly by the LWMD and the U.S. Army Corps of Engineers (the Corps may also require a permit); and*
- *The permit is valid for one (1) year and may be extended.*

3. Submission Requirements

- *Permit application submitted to LWMD;*
- *Application must contain detailed drawing showing plan and cross-section views; and*
- *Applicant may be required to submit other information depending on complexity of project.*

4. Procedures for Obtaining Permit

- *Applicant submits application to the LWMD;*
- *Application reviewed by LWMD. LWMD will coordinate with state and federal agencies with regulatory jurisdiction; and*
- *Final decision by LWMD.*

Total estimated processing time: ninety (90) days.

5. Operations Requirement

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

6. Fees

\$50 to \$2,000

D. SUMMARY OF PERMIT/APPROVAL PROCESS: Great Lakes Shoreland Protection

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 and obtain a permit;*
- *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 local 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 a designated environmental area boundary must first apply for and obtain a permit.*

2. General Requirements

- *If a site inspection is required, up to sixty (60) days are provided to review the project; and*
- *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; and*
- *Applicant may be required to submit other information on request.*

4. Procedures for Obtaining Permit

- *Applicant submits application to the LWMD;*

- *Applications are normally reviewed within sixty (60) days or less of receipt; and*
- *The permit is valid for 180 days from date of issuance and may be extended at the discretion of LWMD.*

5. Operations Requirement

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

6. Fees

\$50 to \$500

7. Contact

*Land and Water Management Division
517-373-1950*

NOTES



The Michigan Department of Environmental Quality (MDEQ) will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. Questions or concerns should be directed to the MDEQ Office of Personnel Services, PO Box 30473, Lansing, MI 48909.