

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE COMMUNICATION

OPERATIONAL MEMO 115-1
REVISION 2

TO: All Waste and Hazardous Materials Division Supervisors
FROM: George W. Bruchmann, Chief, Waste and Hazardous Materials Division
DATE: August 10, 2007
SUBJECT: Application Fees and Extensions of Part 115 Permit/License Deadlines

FEES:

Section 1307 of Part 13, Permits, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), requires that the Director of the Department of Environmental Quality (DEQ) make a final decision on an administratively complete construction permit application for a solid waste disposal area within 120 days and a final decision on an administratively complete operating license application within 90 days of receiving an administratively complete application. If a final decision is not made within these time limits, the permit or license is automatically issued.

Construction Permit Fees:

If a construction permit application is denied, the DEQ shall refund one-half of the applicable application fees. The applicant may then resubmit the application within 12 months of denial, along with the additional information to address the reasons for the denial, and the refunded portion of the fee, without being required to pay an additional application fee. The applicant also has the option of withdrawing an application in order to avoid a pending denial. If a construction permit application is withdrawn, Section 11509(4) of Part 115, Solid Waste Management, of the NREPA, requires that the DEQ refund one-half of the application fee. If the applicant resubmits the application within 12 months, along with the refunded portion of the fee, the DEQ shall act on the application without requiring the applicant to pay a new application fee. If the applicant intends to resubmit soon after withdrawing or receiving a denial, then one-half of the application fee may be held by the DEQ, allowing the applicant to resubmit without an exchange of application fees. If the applicant requests that one-half of the fee be returned, regardless of the time frame, then one-half of the fee must be returned.

Operating License Fees:

Under Section 11512(5) of Part 115, if an operating license application is denied, the applicant may resubmit the application together with additional information or corrections to address the reason(s) for denial within six months without having to pay an additional application fee. The application fee, or any portion of the fee, is not returned to the applicant when the operating license application is denied. Likewise, the application fee, or any portion of the fee, will not be returned when the operating license application is withdrawn. However, the DEQ will allow an applicant to resubmit the application along with the additional information or corrections within six months without having to pay an additional fee.

If either the construction permit or operating license application is returned as administratively incomplete, the DEQ will not return the application fee. The application fee will be held, and the application period (administrative completeness review) is tolled until the additional information is submitted.

EXTENSIONS:

Section 1307 of Part 13 allows the DEQ to extend the processing period by not more than 20 percent if requested by the applicant. Therefore, upon the request of the applicant (in writing), the processing period may be extended by up to 18 days for an operating license and 24 days for a construction permit.

A construction certification for a newly-constructed area and a closure certification will not be returned as administratively incomplete, and no extensions will be granted. If the required information is not present in the certification, the certification will be denied.