

	<b>WATER RESOURCES DIVISION POLICY AND PROCEDURE</b>		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: August 11, 1999	Subject: Part 31 - After-the-Fact Permit Fees for Floodplain Projects		Category: <input type="checkbox"/> Internal/Administrative <input type="checkbox"/> External/Non-Interpretive <input checked="" type="checkbox"/> External/Interpretive
Revised Date:	Program Name: Water Resources Program		Type: <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Procedure <input type="checkbox"/> Policy and Procedure
Reformatted Date: March 24, 2014	Number: WRD-034	Page: 1 of 2	

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**Note: This policy and procedure was previously division guidance memo No. 31-98-02.**

**ISSUE:**

Clarification of fees for after-the-fact permitable floodplain projects.

**AUTHORITY:**

The state's Floodplain Regulatory Authority is found in Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1995 PA 451, as amended.

**DISCUSSION:**

Under Part 31, the permit fee for a minor project shall be \$100 (Section 324.3104(5)) and the permit fee shall be \$500 for other floodplain projects (Section 324.3104(4)). In addition the DEQ may assess the applicant an additional \$1500 review fee if it determines that engineering computations are required to assess the impact of the proposed floodplain alteration on flood stage or discharge characteristics (Section 324.3104(4)).

If work is done in violation of a permit requirement under Part 31 and restoration is not ordered, the DEQ may accept an application for permit if the application is accompanied by a fee equal to two times the permit fee required (Section 324.3104(6)).

**GUIDANCE/ACTION:**

1. An after the fact application and fee shall only be accepted if the project is permitable and no restoration is needed. If the project cannot be authorized in accordance with Part 31 requirements, it should be treated as a violation.
2. If the project qualifies as a minor project and is permitable, the fee shall be \$200 (2 x \$100).
3. For all other projects which are permitable, the fee shall be \$1000 (2 x \$500).

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4. In addition to the permit fees, a review fee of \$1500 will be charged if it is determined that engineering computations are required to assess the impact of the floodplain alteration on flood stage or discharge characteristics.
5. Staff should consult with their supervisor for chronic violators to determine if an After-the-Fact Permit or enforcement action is appropriate. A chronic violator is defined as any party that has been found to be in violation of Act 451 requirements on more than two occasions.

DIVISION CHIEF APPROVAL:



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William Creal, Chief  
Water Resources Division

DEPUTY DIRECTOR APPROVAL:



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Jim Sygo, Deputy Director