# MSUE Water School

# Water Policy Toolbox

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# Water Policy Toolbox

## Introduction

This document provides general information about how federal, tribal, state and local laws and rules provide the basis for water policy in Michigan. It also provides links to information about water-related programs implemented at different levels of government.

In the Table of Contents, water-related topics for which some type of water policy exists are listed in the first column. In the second column, keywords are provided to assist the user with locating information about a particular issue of interest. Then the additional information provided in subsequent sections of the toolbox can be reached through the highlighted links provided in the third column. This toolbox does not contain information about all water-related policies, but hopefully it will provide a starting place for someone interested in learning about how various bodies of law affect those who can affect, or are affected by, Michigan’s water resources.

## **Key to Abbreviations**

CFR: Code of Federal Regulations – compiles all regulations adopted by federal agencies to implement laws passed by congress.

EPA: The U.S. Environmental Protection Agency

FR: Federal Register – where proposed and adopted federal rules and regulations are published for public comment and public information.

MCL: Michigan Compiled Laws – this is the codification of all laws passed by Michigan’s legislature.

EGLE: Michigan Department of Environment, Great Lakes, and Energy

MDARD: Michigan Department of Agriculture and Rural Development

MDNR: Michigan Department of Natural Resources

USC: United States Code – this is the codification of all laws passed by the U.S. Congress.

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# Section 2: Laws and Regulations

## Water Issue: Aquatic Ecosystems

### Keywords: Invasive species

#### *Federal:*

The Lacey Act (18 U.S.C. 3371 et seq.) regulates the importation and transport of species, including offspring and eggs determined to be injurious to the health and welfare of humans, agriculture, horticulture, forestry, and the welfare and survival of wildlife resources of the U.S.

The Lacey Act: <https://www.animallaw.info/statute/us-lacey-act-chapter-53-control-illegally-taken-fish-and-wildlife>

The Plant Protection Act of 2000 (7 U.S.C. 7701 et seq.) regulates the movement of plants, plant products, biological control organisms, and noxious weeds. It was amended with passage of the Noxious Weed Control and Eradication Act of 2004 which provides federal support for weed management entities that control and eradicate noxious weeds and provide information and education about the need to control or eradicate noxious weeds.

Federal Noxious Weed List, including aquatic species: <https://www.aphis.usda.gov/plant_health/plant_pest_info/weeds/downloads/weedlist.pdf>

The Clean Boating Act of 2008 (33 U.S.C. 1322(o)) directs the EPA to develop management practices for recreational vessels to mitigate adverse effects from recreational boat discharges such as bilge water, gray water, and deck runoff that may spread invasive species.

Information about The Clean Boating Act of 2008 can be found here: <https://www.epa.gov/vessels-marinas-and-ports/recreational-vessels-and-clean-boating-act>

The National Invasive Species Act of 1996 (16 U.S.C.4701 et seq.) was passed to prevent invasive species from entering inland waters through ballast water.

The National Invasive Species Act of 1996: <https://www.law.cornell.edu/uscode/pdf/lii_usc_TI_16_CH_67.pdf>

#### *State:*

MCL 324.41301 defines prohibited and restricted species in Michigan and limits the possession, import, and sale of such species.

Information about and pictures of prohibited and restricted invasive species here: <http://www.michigan.gov/invasives/0,5664,7-324-68002_74282---,00.html>

MCL 324.3303 defines permitted actions and procedures for the treatment of water for aquatic nuisance species.

MCL 324.3112 describes the state’s permitting program for oceangoing vessels intended to prevent the discharge of aquatic nuisance species in the Great Lakes.

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#### *Other resources:*

More information about invasive species at: <http://www.michigan.gov/invasives>

Michigan’s Aquatic Invasive Plant Watch List: <http://www.michigan.gov/documents/dnr/Most_wanted_aquatic_invasives_433977_7.pdf>

Report any new sightings of invasive species at <http://www.michigan.gov/invasives/0,5664,7-324-68002---,00.html> or the Midwest Invasive Species Information Network at [www.misin.msu.edu](http://www.misin.msu.edu).

Primary contact for Michigan’s Aquatic Invasive Species Program:

Phone Number: (517) 243-4735

For inquiries about all types of invasive species, visit <http://www.michigan.gov/invasives/0,5664,7-324-74497---,00.html>

Registry of water bodies (listed by county) infested by aquatic invasive species: <http://www.michigan.gov/documents/deq/wrd-anc-AISRegistry_ALLSpecies_509493_7.pdf>

State of Michigan Ballast Water Control General Permit: Port Operations and Ballast Water Discharge: <http://www.michigan.gov/documents/deq/wrd-ballast-GP-M0G140000-2017_550366_7.pdf>

Electronic Ballast Water management reporting form: <http://www.deq.state.mi.us/eforms/ballastwaterreporting.html>

Primary contact for Michigan’s ballast water permit:

Phone Number: (517) 284-5469

## Water Issue: Dams

### Keywords: Dam licensing

#### *Federal*:

The Federal Energy Regulatory Commission has primary authority for licensing (and re-licensing) dams constructed and maintained for hydropower production. Many informational resources are available at their website: <https://www.ferc.gov/industries-data/hydropower>

### Keywords: Dam safety

#### *Federal*:

Information on the National Dam Safety Program, a partnership of federal and state agencies and other stakeholders, is provided by the Federal Emergency Management Agency: <https://www.fema.gov/emergency-managers/risk-management/dam-safety>

The U.S. Army Corps of Engineers dam safety program focuses on dam construction, maintenance and modification. <https://www.lrh.usace.army.mil/Missions/DSMMCX.aspx>

#### *State*:

For information on Michigan’s dam safety program in EGLE’s water division, including a map of all regulated dams in Michigan, see: <https://www.michigan.gov/egle/0,9429,7-135-3313_3684_3723---,00.html>

## Water Issue: Drainage

### Keywords: Michigan Drain Code

#### *State*:

Michigan’s Drain Code was created with P.A. 40 of 1956. It codified laws related to drainage districts, the construction and maintenance of drains and associated infrastructure, and the roles of county drain commissioners. In Michigan, drain commissioners have the authority to levee taxes and special assessment to support the drainage infrastructure in their counties. Drain commissioners play key roles in water quality protection at the county level.

Michigan’s Drain Code can be found here: <http://www.legislature.mi.gov/documents/mcl/pdf/mcl-Act-40-of-1956.pdf>

Because of the significance of drainage in agricultural areas to facilitate crop production, the MDARD Environmental Stewardship Division works closely with county drain commissioners. Information about the intercounty drain program at MDARD, including a directory of county drain commissioners, can be found here: <https://www.michigan.gov/mdard/0,4610,7-125-1599_97922---,00.html>

#### *Other resources*:

Information about the Michigan Association of County Drain Commissioners can be found here: <https://macdc.us/>

## Water Issue: Drinking Water

### Keywords: Bottled drinking water

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#### *Federal:*

Regulations for safe, bottled drinking water are presented at 21 CFR Section 165.110, which states that Food and Drug Administration (FDA) bottled water regulations must be as strict and protective as the EPA’s safe tap water standards. It outlines the regulations for each type of bottled water labeling. For example, in order for a bottle of water to be labeled as “spring water” there are certain requirements that the water and its source must meet. Additionally, this act states that enforcement and inspection of bottled water regulated through FDA’s state and regional offices, and the health and safety departments in each state are required to regulate the bottled water industry at the state level. Because inspection of bottled water is such an important issue, this act states that the state departments have the power to act with the full legal authority of the FDA regarding this issue.

Overview of FDA bottled water regulations: <http://www.bottledwater.org/education/regulations/fda-vs-epa>

#### *State:*

MCL 325.1017 states that any person or company involved in the production of bottled water must use a source of water that meets all the maximum contaminant requirements and other regulations set forth by the Federal Safe Drinking Water Act.

For questions about the drinking water regulations in Michigan contact EGLE Office of Drinking Water and Municipal Assistance:

Phone Number: (517) 284-6512

### Keywords: Infrastructure

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#### *Federal:*

The Water Infrastructure Finance and Innovation Act (WIFIA, 33 U.S.C. 3901-3914) and the WIFIA Implementation rule describe the government units and programs that are eligible for federal funding to support development and implementation of drinking water infrastructure projects. EPA’s Water Infrastructure Finance Act Program coordinates with state revolving fund programs.

Information about the Water Infrastructure Finance and Innovation Act (WIFIA), including the law and associated regulations, found here: <https://www.epa.gov/wifia>

Primary contact for the Water Infrastructure Finance and Innovation Act program:

Phone Number: (202) 564-0614

The Water Infrastructure and Resiliency Finance Center in EPA provides resources for communities to improve their drinking water, storm water, and waste water systems. <https://www.epa.gov/waterfinancecenter>

Primary contact for the Water Infrastructure and Resiliency Finance Center at EPA Region 5:

Phone Number: (312) 353-3214

EPA, in collaboration with state and local governments, developed a Clean Water and Drinking Water Infrastructure Sustainability Policy to ensure that federal investments, policies and actions support water infrastructure in efficient and sustainable locations.

EPA’s Clean Water and Drinking Water Infrastructure Sustainability Policy found here: <https://www.epa.gov/sites/production/files/2016-01/documents/clean-water-and-drinking-water-infrastructure-sustability-policy.pdf>

For more information about EPA’s Sustainable Water Infrastructure Program visit: <https://www.epa.gov/sustainable-water-infrastructure/water-infrastructure-challenge>

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#### *State:*

Michigan’s Water Well Construction Code administrative rules contain minimum standards for the construction and decommissioning of drinking water wells, pumps and pumping equipment. (Michigan Well Construction Pump Installation Code found here: <http://www.michigan.gov/documents/deq/deq-rmd-ehpu-wc-wellcodeadministrativerules_350163_7.pdf>)

R 325.1612 describes requirements for compliance of construction with regulations and local codes.

R325.1611 lists minor repairs to upgrade an existing water supply system that are exempt from the rules:

* Replacing a telescoped well screen
* Hanging screen elevation
* Deepening or plugging back a bedrock well
* Installing a linear pipe
* Replacing a pump, controls, pump drop pipe and pressure tank

R 325.1622 describes the minimum horizontal distances from contamination sources that need to be maintained when locating a well.

The Michigan Drinking Water State Revolving Fund (MCL 324.5401 et seq.) offers low interest loans to eligible water suppliers. It highly encourages projects that address green infrastructure and/or water or energy efficiency improvements. <http://www.michigan.gov/deq/0,1607,7-135-3307_3515_3517---,00.html>

Primary contact for the Drinking Water Revolving Fund:

Phone Number (517) 284-5433

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#### *Local:*

Section 65 of the Michigan Planning Enabling Act (MCL 125.3865 as amended) requires planning commissions in local units of government to annually prepare a capital improvements program of public structures and improvements unless exempt by charter or otherwise. The capital improvements program shall show those public structures and improvements in the general order of their priority.

Michigan Planning Enabling Act found here: <http://www.legislature.mi.gov/documents/mcl/pdf/mcl-Act-33-of-2008.pdf>

Section 7(2) of the Michigan Planning Enabling Act (MCL 125.3807) describes as one purpose of a master plan the guidance and accomplishment of development that provides for public utilities such as sewage disposal and water supply and other public improvements. Additionally,

Section 71 (MCL 125.3871) provides that recommendations for subdivision ordinances or rules may address the extent to which water and sewer mains, pipes, or other facilities shall be installed as a condition for approval of a plat.

Section 203 of the Michigan Zoning Enabling Act (MCL 125.3203) states that a zoning ordinance shall be based on a plan designed, in part, to facilitate adequate provision of sewage disposal and safe and adequate water supply.

R 325.1612 (g) of the Michigan Well Construction Code administrative rules authorizes local government units to have local codes with more restrictive regulations for installation of wells, pumps and pumping equipment.

### Keywords: Inspection of waterworks systems, public health

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#### *Federal:*

42 USC Sections 300g-2 and 300g-3 describe the requirements for states that choose to take primary authority for implementing and enforcing Safe Drinking Water Act requirements.

Federal Safe Drinking Water Act found here: <https://www.epa.gov/sdwa>

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#### *Tribal:*

In 1986, the federal Safe Drinking Water Act was amended to allow Indian tribes to be treated as states and take responsibility for managing public water systems so long as they meet the federal requirements for doing so.

Information about safe drinking water on tribal lands can be found here: [*https://www.epa.gov/tribaldrinkingwater*](https://www.epa.gov/tribaldrinkingwater)

#### 

#### *State:*

MCL 325.1015 states that to protect public health and safety, EGLE has authority over all waterworks systems in the State and can require water suppliers to make changes in their water treatment process or operating systems. Additionally, EGLE can inspect the facilities of a waterworks system at any time and has the authority to create an emergency order regarding the operation of a waterworks system if the system is found to be supplying water that is hazardous to human health. The emergency order can include any action that EGLE feels will protect human health.

All public water suppliers must conduct water sampling tests on a regular schedule and analyze the samples for any contaminants. EGLE is in charge of reviewing the results from these samples.

Michigan’s Water Strategy - *Sustaining Michigan’s Water Heritage:*  [https://www.michigan.gov/documents/deq/deq-ogl-WaterStrategy-PartOne\_526490\_7.pdf](%20https://www.michigan.gov/documents/deq/deq-ogl-WaterStrategy-PartOne_526490_7.pdf%20)

#### *Other resources:*

Information about drinking water contamination investigations can be found through the EGLE

Drinking Water and Environmental Health Division:

Phone Number: (906) 228-4514

For information about community water supply inspections contact the EGLE Office of Drinking Water and Environmental Health Division

Phone Number: (517) 284-6512

### Keywords: Maximum contaminant levels, safety

#### 

#### ***Fe****deral:*

The Federal Safe Drinking Water Act (SWDA) originally was passed as Public Law 93-523 in 1974 and is found at 42 USC, Part 6a, Subchapter XII, sections 300f – 300j-26. Under this law, maximum contaminant levels in public drinking water are determined at the federal level. States can establish stricter levels if they choose.

Federal Safe Drinking Water Act found here: <https://www.epa.gov/sdwa>

Federal drinking water standards can be found here:

<https://www.epa.gov/your-drinking-water/table-regulated-drinking-water-contaminants>.

Additional information on drinking water standards and health advisories, as well as information about specific contaminants, can be found here:<https://www.epa.gov/dwstandardsregulations/drinking-water-contaminant-human-health-effects-information#dw-standards>

Requirements specific to lead and copper in drinking water can be found here: <https://www.epa.gov/dwreginfo/lead-and-copper-rule>. EPA has proposed revisions to the lead and copper rule; the public comment period was extended, and a new rule was anticipated in September 2020. However, as of December 2021 no new rules have been issued.

USC 300g-1f – The EPA also may publish public health advisories for unregulated contaminants in drinking water supplies.

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#### *State:*

MCL 325.1006 states that the maximum contaminant levels for inorganic chemicals, organic chemicals, microbiological contaminants, and turbidity of drinking water are the same as the levels established under the Federal Safe Drinking Water Act. However, Michigan’s Lead and Copper Rule are different from the federal and can be found here:

<https://www.michigan.gov/egle/0,9429,7-135-3313_3675_3691-9677--,00.html>

Michigan enacted their own PFAS standards 2020 that took effect on August 3rd which included maximum contaminant levels and sampling requirements for seven PFAS compounds.

PFAS standards can be found here: <https://www.michigan.gov/egle/0,9429,7-135-3313_3675-534373--,00.html>

A public water system is responsible for monitoring drinking water it supplies to insure that drinking water quality standards are met.

Drinking water standards enforced by Michigan can be found here:

<http://www.michigan.gov/documents/deq/wrd-rules-part4_521508_7.pdf>

For questions regarding fines associated with violations of State drinking water standards contact EGLE Office of Drinking Water and Environmental Health Division:

Phone Number: (517) 290-2601

EGLE is in charge of administering the statewide program for monitoring the safety of drinking water.

Michigan Water Strategy - Sustaining Michigan’s Water Heritage:

[https://www.michigan.gov/documents/deq/deq-ogl-WaterStrategy-PartOne\_526490\_7.pdf](https://www.michigan.gov/documents/deq/deq-ogl-WaterStrategy-PartOne_526490_7.pdf%20)

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#### *Other resources:*

EGLE Community Water Supply Website: <https://www.michigan.gov/deq/0,4561,7-135-3313_3675_3691---,00.html>

For questions or information about non-community drinking water wells or supplies, the following website contains contact information for county representatives in the State of Michigan: <http://www.michigan.gov/documents/deq/deq-wb-dwehs-noncomm-stafflist_459288_7.pdf>

EGLE Non-community Water Supply Owners Guide: <http://www.michigan.gov/documents/deq/rmg-odwma-noncommownersguide_512352_7.pdf>

## Water Issue: Source Water Protection

### Keywords: Groundwater

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#### *State:*

As part of its water resources protection responsibilities under MCL 324.3101-3134, Michigan has a Groundwater Discharge Program to regulate the discharge of wastewater to groundwater as well as the storage of hazardous materials. <https://www.michigan.gov/egle/0,9429,7-135-3313_4117---,00.html>

EGLE contact information for questions about groundwater protection or discharge. Contact the Water Resources Division:

Phone Number: (517) 290-2570

MCL 324.3110 states that all industrial or commercial entities that discharge waste into groundwater, other than through public sewer systems, must operate their own waste treatment facilities.

### Keywords: Source water management, assessment

#### 

#### *Federal:*

The 1996 Amendments to the Federal Safe Drinking Water Act required all states to develop a Source Water Protection Program. These amendments addressed individual state programs related to capacity development and operator certification for source water or drinking water systems.

EPA Website on Source Water Protection: <https://www.epa.gov/sourcewaterprotection/source-water-protection-basics>

According to the 1996 amendments to the Safe Drinking Water Act, there are six important steps to follow when conducting source water assessments for public water systems:

Step 1: Delineate the source water protection area

Step 2: Create an inventory of known and potential sources of contamination

Step 3: Determine the susceptibility of the public water system to contaminant sources or activities within the source water protection area

Step 4: Notify the public about threats identified in the contaminant source inventory and what they mean to the public water system

Step 5: Implement management measures to prevent, reduce, or eliminate risks to your drinking water supply

Step 6: Develop contingency planning strategies that address water supply contamination or service interruption emergencies.

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#### *State:*

In Michigan, the Wellhead Protection Program is a voluntary program for public water supply systems.

EGLE Source Water Protection Guide. Includes charts and graphics pertaining to source water assessment, wellhead integrity and management, and information about how hazardous waste may affect source water: <https://www.michigan.gov/documents/deq/deq-wb-dwehs-noncomm-swpguide_257149_7.pdf>

Michigan Source Water Assessment Program. Contains some good information, including graphs and graphics, about source water protection: <http://mi.water.usgs.gov/pubs/MISC/RTSMI-0121/pdf/WTO222b.pdf>

EGLE Water Well Manual: <http://www.michigan.gov/documents/deq/deq-wb-dwehs-gwwfwim-section1_183024_7.pdf>

For questions regarding watershed management protection plans contact:

Phone Number: (517) 284-5521

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#### *Local:*

Local governments play a large role in creating and implementing zoning regulations that make sure any businesses using hazardous materials are not built near public water supplies. Additionally, local governments are in charge of land use controls for similar reasons. Local units of government can protect water quality of source water through land use policy (planning and zoning).

EGLE Public Information about protecting drinking water sources: <https://www.michigan.gov/egle/0,9429,7-135-3313_3675_3695---,00.html>

Source Water Assessments of groundwater sources are conducted by local health departments for non-community systems.

### Keywords: Wellhead management, protection, construction

#### 

#### *Federal:*

42 USC Section 300h-7 says that each state must adopt its own program to protect wellheads from contaminants.

Safety requirements for water coming out of wells can be found in the Federal Safe Drinking Water Act

EPA Website on Source Water Protection: <https://www.epa.gov/sourcewaterprotection/source-water-protection-basics>

The Federal Ground Water Rule (published at 71 FR 67427, November 21, 2006, Vol. 71, No. 224) states that groundwater from wells must be protected from disease causing organisms.

#### 

#### *State:*

EGLE assists local health departments with investigating sources of drinking water contamination. The EGLE is also in charge of replacing wells when the drinking water coming from the wells is found to be contaminated, as long as the owner of the well is not at fault.

Water well records since the year 2000 can be found at the comprehensive database entitled *Wellogic*: <https://secure1.state.mi.us/wellogic/Login.aspx?ReturnUrl=%2fwellogic%2fdefault.aspx>

Michigan’s well construction program ensures any drinking water wells are constructed in compliance with Michigan’s Public Health Code, MCL 333.12701-12715.

Michigan has a Wellhead Protection Program to protect drinking water from wells from sources of contamination.

EGLE Overview of Michigan’s Wellhead Protection Program: <https://www.michigan.gov/documents/deq/deq-dwrpd-gws-wpu-WHPP-Overview_256490_7.pdf>

For questions about water wellhead protection in the State of Michigan contact the EGLE Wellhead Protection Program:

Mailing Address: PO Box 30241 Lansing, Michigan 48909-7741

Phone Number: (517) 248-5531

For information about abandoned water wells contact the EGLE Office of Drinking Water and Municipal Assistance:

Phone Number: (517) 897-1508

EGLE has developed a source water protection tool entitled the Michigan Groundwater Management Tool (MGMT). This tool aims to delineate wellhead protection areas and identify contaminant migration routes and groundwater flow direction. Resources related to this program can be found here: <http://www.michigan.gov/documents/deq/deq-odwma-water-swp-MGMT_Resources_493592_7.pdf>

#### *Local:*

The Michigan Source Water Protection Program is a joint effort between EGLE and Michigan’s local health departments. The state’s well construction code gives well permitting duties to the local health department.

In order to receive state funding, local health departments must meet minimum requirements associated with:

* Issuing well permits
* Inspecting water supplies
* Investigating groundwater complaints
* Investigating contamination sites, and
* Approving water supply systems.

## Water Issue: Storm Water

### Keywords: Combined sewer overflow

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#### *Federal:*

40 CFR Section 122.25 part 7 states that storm water runoff combined with sewage from combined sewer overflow is classified as point source pollution. Therefore, these discharges require NPDES permits.

The EPA website has additional information about the *National Enforcement Initiative: Keeping Raw Sewage and Contaminated Storm water out of our Nation’s Waters.* <https://www.epa.gov/enforcement/national-enforcement-initiative-keeping-raw-sewage-and-contaminated-stormwater-out-our>

#### 

#### *State:*

MCL 67.34 states that local governments are charged with regulating storm water systems For questions or information regarding sewer systems permit approval contact EGLE.

Phone Number: (906) 346-8528

MCL 117.7j authorizes a city within the state to separate storm water drainage and drainage from sanitary sewers on privately owned property.

For general questions about sanitary and combined sewer overflow contact EGLE Water Resources Division.

Phone Number: (906) 228-4527

### Keywords: Flooding, floodplains

#### 

#### *Federal:*

One of the main responsibilities of the Federal Emergency Management Agency (FEMA) is to take measures to prevent flooding. FEMA also runs the National Flood Insurance Program (NFIP), which sets minimum floodplain management standards for areas participating in this program. Both state and federal agencies are required to play a role in helping individual communities and property owners reduce the risk of flooding on their land.

Information about floodplain management can be found at this link: <http://www.fema.gov/floodplain-management>

FEMA online floodplain mapping system: [https://msc.fema.gov/portal/search?AddressQuery=michigan#searchresultsanchor](https://msc.fema.gov/portal/search?AddressQuery=michigan)

The Flood Control Act of 1970 details plans of action for floodplain areas throughout the United States.

#### *State:*

MCL 324.3103 requires conservation of the water resources of the State that may be affected by storm water carrying waste or causing flooding. Also, EGLE is in charge of creating flood control districts.

EGLE webpage for floodplain mapping: <https://www.michigan.gov/deq/0,4561,7-135-3313_3684_3725-11268--,00.html>

MCL 324.3104 describes requirements for obtaining a permit for floodplain development; no person may alter a floodplain without a floodplain permit. The state is in charge of making sure floodways are free of obstructions and interferences.

Low Impact Development for Michigan: A Design Guide for Implementers and Reviewers: <http://semcog.org/Reports/LID/index.html>

For questions regarding permit fees for floodplain projects, contact EGLE.

Phone Number: (517) 284-5489

### Keywords: Runoff, pollutants

#### *Federal:*

In 1987, amendments to the Federal Clean Water Act directed EPA to develop regulations for pollutant runoff in storm water discharge. As a result, storm water management became part of the National Pollutant Discharge Elimination System (NPDES) in 1990. The NPDES storm water program regulates storm water discharges from municipal storm sewer systems, construction activities, and industrial activities.

33 USC 1342a lays out the guidelines for obtaining a federal permit for discharge of pollutants through storm water.

33 USC 1342b states that the Governor of each state can submit an application to create stricter guidelines for obtaining a permit for storm water discharge.

#### *State:*

MCL 324.3118 discusses the fees required for a storm water discharge permit to be obtained in Michigan. The state is in charge of distributing permits for storm water discharge to make sure harmful pollutants are not being discharged with storm water.

Resource document: Low Impact Development Manual for Michigan: A Design Guide for Implementers and Reviewers available at: <http://semcog.org/Reports/LID/index.html>

Information about more storm water regulations can be found through the EGLE Water Resources Division.

Phone Number: (517) 284-5588

For questions regarding nonpoint source pollution, contact the EGLE Water Resources Division.

Phone Number: (517) 284-5513

### Keywords: Soil erosion and sediment control

#### *State:*

EGLE’s Water Resources Division oversees the state’s Soil Erosion and Sediment Control program, which protects surface water bodies from sediment that results from soil erosion on construction sites. The state’s soil erosion and sediment control law can be found here: <http://www.legislature.mi.gov/documents/mcl/pdf/mcl-451-1994-II-2-SOIL-CONSERVATION-EROSION-AND-SEDIMENTATION-CONTROL-91.pdf>

EGLE does not issue Soil Erosion and Sedimentation Control permits, but they are responsible for training and oversight of agencies that do issue the permits.

Information on this program is available at: <https://www.michigan.gov/egle/0,9429,7-135-3311_4113-8844--,00.html>

For questions regarding the EGLE Soil Erosion and Sedimentation Control Program:

Phone Number: (269) 216-1341

#### *County*:

Counties are charged with enforcing the soil erosion and sediment control law. This is handled differently across Michigan’s counties, but a list of Soil Erosion and Sedimentation Control Agencies by county in Michigan can be found here: <https://www.michigan.gov/documents/deq/wrd-sesc-agency-list_539870_7.pdf>

This program requires a permit for any earth changing activity, which disturbs one or more acres of land within 500 feet of a lake or stream. This program is administered and enforced by various state, county, and local governmental agencies.

## Water Issue: Wastewater

### Keywords: Biosolids

Background Information: Treatment of wastewater produces a sewage-like sludge than can undergo stabilization to become biosolids. These biosolids can be used for fertilizer or soil conditioner.

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#### *Federal:*

40 CFR Part 503 outlines the Federal standards for disposal of sewage sludge and the use of biosolids.

#### *State:*

MCL 324.3131 lays out Michigan’s rules for applications of biosolids to land. It requires that state requirements be consistent with the Federal law written in Title 40 CFR Part 503 but can be more stringent than these regulations if EGLE has a concern about public or environmental health.

Michigan’s Biosolids Program (EGLE): <http://www.michigan.gov/deq/0,4561,7-135-3313_71618_3682_3720---,00.html>

EGLE is in charge of issuing permits for the management of biosolids from wastewater treatment facilities. Additionally, EGLE has staff in charge of inspecting any facilities producing biosolids and the application sites where biosolids are being applied.

Additional information about laws and regulations related to the use of biosolids in Michigan: <http://www.michigan.gov/deq/0,4561,7-135-3313_71618_3682_3720-9615--,00.html>

For questions regarding Biosolids contact the EGLE Water Resources Division

Phone Number: (989) 894-6269

### Keywords: Disposal, discharge

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#### *Federal:*

The National Pollutant Discharge Elimination System (NPDES) was created through the Clean Water Act (at 33 USC 1251et seq.). The NDPES program is described at 40 CFR 122. These permits set discharge limits and establish where disposal of wastewater may occur. The law also describes the conditions under which states may be authorized to implement the NPDES program.

The National Pollutant Discharge Elimination System (NPDES) program run by EPA outlines information regarding Federal regulations on wastewater disposal. <https://www.epa.gov/npdes/npdes-program-management-and-oversight>

EPA Regulations on Industrial Wastewater and Disposal: <https://www.epa.gov/npdes/industrial-wastewater>

EPA Regulations on Municipal Wastewater and Disposal: <https://www.epa.gov/npdes/municipal-wastewater>

#### *Tribal:*

Section 518 of the Clean Water Act authorizes eligible Indian tribes with reservations, like states, to administer each of the principal Clean Water Act regulatory programs.

Information on the Clean Water Act Tribal Provision can be found here: <https://www.epa.gov/wqs-tech/revised-interpretation-clean-water-act-tribal-provision>

#### *State:*

MCL 324.3106 gives EGLE authority to issue wastewater discharge permits to control pollution of waters in the state. Michigan has been delegated authority to administer the federal NPDES program in the state.

EGLE information about wastewater discharge permitting: <http://www.michigan.gov/deq/0,4561,7-135-3313_71618_3682_3713---,00.html>.

Contact Information for obtaining NPDES Permits through the EGLE Water Resources Division.

Phone Number: (517) 284-5568

Michigan Criteria for Subsurface Sewage Disposal and Michigan Criteria for Onsite Wastewater Treatment can be found here (under Laws and Rules): <http://www.michigan.gov/deq/0,4561,7-135-3313_71618_51002---,00.html>

A summary of the regulatory structure for sanitary sewage (including who has responsibility for what) compiled by the Michigan Onsite Wastewater Recycling Association can be found here: <http://www.mowra.org/regulatory_structure_for_sanitary%20Sewage.htm>

As part of its water resources protection responsibilities under MCL 324.3101-3134, Michigan has a Groundwater Discharge Program to regulate the discharge of wastewater to groundwater.

For questions regarding groundwater and wastewater discharge contact the EGLE Water Resources Division.

Phone Number: (517) 290-2570

For information regarding wastewater discharges to groundwater including septic systems with more than 10,000 gallons per day discharge contact the DEQ Groundwater Discharge Permit Program.

Phone Number: (517) 284-5570

MCL 324.4108 states that EGLE shall oversee the planning, construction, and operation of sewer systems to prevent unlawful disposal of wastewater into water resources of the state.

For information regarding wastewater discharges from septic systems with less than 10,000 gallons per day discharge contact the local health department. Contact information for local health departments is here: <https://www.michigan.gov/mdhhs/0,5885,7-339-73970_5461_74040---,00.html>.

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#### *Other resources:*

EGLE Source Water Protection Guide. Includes a chart about wastewater management and onsite disposal on Page 3: <https://www.michigan.gov/documents/deq/deq-wb-dwehs-noncomm-swpguide_257149_7.pdf>

Information can also be found at the EGLE Land Division and Local Health Program.

Phone Number: (517) 284-6528

### Keywords: Infrastructure

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#### *Federal:*

The Water Infrastructure Finance and Innovation Act (WIFIA, 33 U.S.C. 3901-3914) and the WIFIA Implementation rule describe the government units and programs that are eligible for federal funding to support development and implementation of wastewater infrastructure projects. EPA’s Water Infrastructure Finance Act Program coordinates with state revolving fund programs.

Information about the Water Infrastructure Finance and Innovation Act (WIFIA), including the law and associated regulations, found here: <https://www.epa.gov/wifia>

Primary contact for the Water Infrastructure Finance and Innovation Act program:

Phone Number: (202) 564-0614

The Water Infrastructure and Resiliency Finance Center in EPA provides resources for communities to improve their drinking water, storm water, and waste water systems. <https://www.epa.gov/waterfinancecenter>

Primary contact for the Water Infrastructure and Resiliency Finance Center at EPA Region 5:

Phone Number: (312) 353-3214

EPA, in collaboration with state and local governments, developed a Clean Water and Drinking Water Infrastructure Sustainability Policy to ensure that federal investments, policies and actions support water infrastructure in efficient and sustainable locations.

EPA’s Clean Water and Drinking Water Infrastructure Sustainability Policy found here: <https://www.epa.gov/sites/production/files/2016-01/documents/clean-water-and-drinking-water-infrastructure-sustability-policy.pdf>

For more information about EPA’s Sustainable Water Infrastructure Program visit: <https://www.epa.gov/sustainable-water-infrastructure/water-infrastructure-challenge>

#### *State:*

MCL 324.4101 et seq. describes state responsibilities for regulating construction and operation of public sewer systems to prevent unlawful disposal of wastewater into water resources of the state.

Information about EGLE’s Wastewater Construction permits: <http://www.michigan.gov/deq/0,4561,7-135-3313_71618_44117---,00.html>

Michigan’s Clean Water revolving fund has two components:

1. State Revolving Fund: offers low interest loans to assist qualified municipalities with the construction of needed water pollution control facilities. It encourages projects that address green infrastructure and/or water or energy efficiency improvements. The fund has affordability criteria (including income, unemployment, and population) to identify applicants that would have difficulty financing eligible projects.

Michigan’s Clean Water Revolving Fund: <http://www.michigan.gov/deq/0,1607,7-135-3307_3515_4143---,00.html>

1. Strategic Water Quality Initiatives Fund: Provides low interest loans to qualified municipalities that cannot qualify for State Revolving Fund assistance to construct needed wastewater infrastructure.

Strategic Water Quality Initiatives Fund: <http://www.michigan.gov/deq/0,4561,7-135-3307_3515-314512--,00.html>

Green Projects Reserve Guidance: <http://www.michigan.gov/deq/0,4561,7-135-3307_3515_3517-233829--,00.html>

Primary contact for the Clean Water Revolving Fund:

Phone Number: [(517) 284-5433](Tel:517-284-5433)

#### *Local:*

Section 65 of the Michigan Planning Enabling Act (MCL 125.3865 as amended) requires planning commissions in local units of government to annually prepare a capital improvements program of public structures and improvements unless exempt by charter or otherwise. The capital improvements program shall show those public structures and improvements in the general order of their priority.

Section 7(2) of the Michigan Planning Enabling Act (MCL 125.3807) describes as one purpose of a master plan the guidance and accomplishment of development that provides for public utilities such as sewage disposal and water supply and other public improvements. Additionally,

Section 71 (MCL 125.3871) provides that recommendations for subdivision ordinances or rules may address the extent to which water and sewer mains, pipes, or other facilities shall be installed as a condition for approval of a plat.

Section 203 of the Michigan Zoning Enabling Act (MCL 125.3203) states that a zoning ordinance shall be based on a plan designed, in part, to facilitate adequate provision of sewage disposal and safe and adequate water supply.

Michigan Water Environment Association’s sustainable energy page gives links to documents and organizations that provide information on reducing the costs of treating and moving water: <http://mi-wea.org/sustainable_energy.php>

### Keywords: Public Health

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#### *Federal:*

33 USC 1296 states that any projects for wastewater treatment and management using Federal financial aid must produce water that is consistent with federal standards for public health.

42 USC 300j-3b states that EPA is charged with establishing guidelines for treatment techniques and maximum contaminant standards when human consumption of treated wastewater is involved for the benefit of preserving public health.

#### *State:*

MCL 324.3109 covers wastewater discharges into state waters. Part (1a) states that a person should not directly or indirectly dump wastewater that may become injurious to the health, safety, or welfare of the public.

EGLE website on wastewater management to protect public and environmental health: <https://www.michigan.gov/deq/0,4561,7-135-3313_71618---,00.html>

MCL 324.3112a states that if untreated sewage or wastewater is discharged into water sources, the person responsible for this action must notify the local health department in compliance with the public health code, MCL 333.1105.

MCL 324.3112a states that anyone responsible for sewage entering into the water source must test the affected waters for *E.Coli* to make sure that public health is not affected

MCL 314.11708 Part 4 states that EGLE can require a wastewater treatment plant to close if there are environmental or public health concerns.

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#### *Other resources:*

For lists of permitted hazardous waste and liquid industrial waste transporters visit this website: <http://www.michigan.gov/deq/0,1607,7-135-3312_7235---,00.html>

### Keywords: Septic Systems

#### *Federal:*

33 USC 1245 states that EPA is responsible for putting together a comprehensive program for methods of preventing, reducing, treating, and eliminating pollution from sewage where use of community-wide wastewater treatment systems is not practical.

#### 

#### *State:*

Although Public Act 368 of 1978 notes that septic tank disposal systems are subject to failure due to soil conditions or other reasons and can pose a threat to public health, safety, and welfare, Michigan is the only state that does not have a statewide code for construction of onsite wastewater management systems (e.g., septic tanks, etc.) serving an individual or two homes (<1000 gallons/day). Instead, local county health departments develop their own policies.

Booklet on Michigan Criteria for Subsurface Sewage Disposal (April 1994): <https://www.michigan.gov/documents/deq/deq-wb-dwehs-osw-mcssd_241120_7.pdf>

The licensing and handling of domestic septage (pumped from septic tanks) is regulated under Public Act 381, 2004. EGLE’s Office of Drinking Water and Municipal Assistance oversees the State Septage Program with some help on the county level.

EGLE Website on the Michigan Septage Program:

<http://www.michigan.gov/deq/0,4561,7-135-3313_71618_3682_3717---,00.html>

Contact Information for the EGLE Environmental Health Section, Septage Waste Program

P.O. Box 30241 Lansing, MI 48909-7741

Phone Number: (517) 284-6535

MCL 324.5202 requires EGLE to establish a water quality initiatives loan program which will provide loans to municipalities for a variety of reasons, including for replacement of failing on-site septic systems that are adversely affecting public health and/or the environment.

MCL 324.35320 states that any written environmental impact statement must include a summary of the soil types found on the site and whether the soil permits the use of septic tanks on the site.

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#### *Other resources*:

General information about the care and maintenance of septic systems as well as guidelines for proper use of a septic system: <https://www.michigan.gov/egle/0,9429,7-135-3313_71618_51002-455688--,00.html>

## Water Issue: Water Recreation

### Keywords: Recreational fishing

#### *Great Lakes Region:*

Great Lakes fisheries are managed collaboratively by state and provincial governments, intertribal agencies, and federal agencies. The Great Lakes Fishery Commission website provides useful information about the Great Lakes fishery and about fishery management, regulation, and enforcement and the roles of various entities in each of these areas.

Fact sheets are available here: <http://glfc.org/fact-sheets.php>

#### *State*:

MCL 324.80108 authorizes MDNR to designate areas restricted solely for the purpose of activities such as boating, swimming, and fishing.

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#### *Other resources*:

MDNR’s Michigan Fishing Guide contains rules and regulations concerning fishing licenses, permits, poaching, unlawful activities, diseases in fish, etc. Because it is updated annually, this link is to the webpage where you can find the most recent Guide, not to the guide itself: <https://www.michigan.gov/dnr/0,4570,7-350-79119_79146---,00.html>

The link above also provides general information about recreational fishing.

### Keywords: Water Quality

Background Information: The main microbe of concern in recreational waters is *E. coli* because it acts as an indicator for fecal contamination.

#### *Federal:*

33 USC 1314 requires that EPA publish water quality criteria for pathogens and pathogen indicators to protect human health in recreational waters. The EPA Booklet of Recreational Water Quality Criteria is here: <https://www.epa.gov/sites/production/files/2015-10/documents/rwqc2012.pdf>

40 CFR 31.11 requires states to adopt water quality standards to protect designated uses of water bodies, including recreational uses.

Additional Information about recreational water quality testing standards: <https://www.michigan.gov/deq/0,4561,7-135-3313_3681_3686_3730-11005--,00.html>

#### *State:*

The Michigan Department of Community Health and EGLE set the limits for safe levels of *E. coli* in recreational waters based on EPA standards. MCL 323.1062(1) states that all state waters used for recreation should not contain more than 130 *E. coli/*100 ml as a 30-day geometric mean.

Primary contact for Michigan maximum allotment of *E.Coli* in recreational waters:

Phone Number: (517) 284-5547

## Water Issue: Water Use

### Keywords: Bottled water

#### *Federal:*

Federal bottled drinking water regulations:

<http://www.michigan.gov/documents/MDA_cfr129_10322_7.pdf>

More information on federal bottled water regulations:

<http://www.bottledwater.org/education/regulations/fda-vs-epa>

#### 

#### *State:*

MCL 325.1017- This section states that a water bottling company will not exceed certain limits on how much water can be withdrawn from a source in any given day. The bottling company must consider how mass water withdrawal will affect the water source being used and address these effects accordingly. Such effects include water quality and stream flow.

Requirements for bottled water sources in Michigan: <https://www.michigan.gov/documents/deq/deq-odwma-ehs-ncws-bottledwatersourceapp_402389_7.pdf>

Requirements for registering a bottled water company in Michigan: <http://www.michigan.gov/mdard/0,4610,7-125-1569_16958_21506-54185--,00.html>

### Keywords: Diversions from the Great Lakes

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#### *State and Great Lakes Region:*

MCL 324.34201 codifies the Great Lakes – St. Lawrence River Basin Water Resources Compact. Section 4.8 of the Compact states: All New or Increased Diversions are prohibited, except as provided for in this Article. Section 4.9 describes the exceptions to that prohibition.

For information on implementation of the Great Lakes – St. Lawrence River Basin Water Resources Compact, including requests for diversions: <http://www.glslcompactcouncil.org/>

### Keywords: Large quantity water withdrawals

#### *State:*

MCL 324.327 describes the state’s water use program which requires that all large quantity withdrawals be screened before being registered or permitted to ensure that the withdrawal does not cause an adverse resource impact.

MSU Extension fact sheet on Michigan’s water use program: <http://msue.anr.msu.edu/resources/considering_aquatic_ecosystems_the_basis_for_michigans_new_water_wq60>

Contact information for the EGLE water use program staff: <http://www.michigan.gov/deq/0,4561,7-135-3313_3684_45331-162231--,00.html>

Principle components of the program include:

* The statute defines a large quantity withdrawal as one or more cumulative total withdrawals of over 100,000 gallons of water per day average in any consecutive 30 day period that supply a common distribution system.
* An owner of real property who intends to make a new or increased large quantity withdrawal is required to register the withdrawal with EGLE after using the online withdrawal screening tool EGLE. Withdrawals in excess of 2,000,000 gallons per day must be further screened and permitted and additional specific requirements apply.
* Maximum aggregate withdrawals have been defined for specifically defined water management areas statewide. These maximums are defined according to the state’s definition of adverse resource impact, which is: decreasing the flow of a river or stream by part of the index flow such that the river’s or stream’s ability to support characteristic fish populations is functionally impaired. For 11 designated stream types, specific percentage reductions in fish densities which cannot be exceeded are defined at MCL 324.32701 (1)(a).
* All large quantity water users are required to submit water use reports annually.

To register a large quantity water withdrawal:

<http://www.michigan.gov/deq/0,4561,7-135-3313_3684_45331-223443--,00.html>

Information Guide for Large Quantity Withdrawals: <http://www.michigan.gov/documents/deq/deq-wrd-wateruse-infoguide_for_large_quanity_withdrawal_registration_526503_7.pdf>

Reports on water use in Michigan and other Great Lakes states can be found here: <https://waterusedata.glc.org/annualreports.php>

### Keywords: Water Conservation

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#### *State:*

MCL 324.34210, codifies the Great Lakes – St. Lawrence River Basin Water Resource Compact. Section 4.2 of the Compact describes requirements for water conservation and efficiency programs.

Water conservation is addressed in Michigan’s water strategy: *Sustaining Michigan’s Water Heritage:*  [https://www.michigan.gov/documents/deq/deq-ogl-WaterStrategy-PartOne\_526490\_7.pdf](%20https://www.michigan.gov/documents/deq/deq-ogl-WaterStrategy-PartOne_526490_7.pdf%20)

MCL 324.32723 describes water withdrawal permitting requirements, including the requirement that permit applicants must self-certify that they are in compliance with water conservation measures developed by the applicable water user’s sector or measures for the specific use that is the subject of the application.

MCL 325.1004 requires public water supplies to use water conservation measures if new or increased withdrawals occur in watersheds where withdrawal limits are being approached.

For information on generic Water Conservation Measures:

<http://www.michigan.gov/documents/deq/deq-wb-dwehs-wateruse-genericconsmeas_273138_7.pdf>

MCL 324.32707 states that those water users who are required to report water withdrawals should, as part of that report, acknowledge that they have reviewed applicable conservation measures.

To access water use data from 2009 to 2018 and other historical water use data:

<http://www.michigan.gov/deq/0,4561,7-135-3313_3684_45331-370128--,00.html>

MSU Extension fact sheet on water withdrawals and water use in Michigan: <https://www.canr.msu.edu/resources/water_withdrawals_and_water_use_in_michigan_wq62>

## Water Issue: Wetlands

### Keywords: Conversion to farmland

#### *Federal:*

16 USC 3821 discourages converting wetlands into farmland by causing farmers who clear wetlands for crops to be ineligible for federal farm benefits.

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#### *State:*

MCL 324.30305(1)(e) describes how and when agricultural activities are constrained by Michigan’s wetland protection program.

For concerns or inquiries about the presence of wetlands on your property before performing land conversion activities, contact EGLE.

Phone Number: (517) 243-5002

### Keywords: Development/construction on or near wetlands

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#### *Federal:*

33 USC 1362 defines navigable waters to include wetlands. This law explains that development or obstructions that inhibit navigability are prohibited.

33 USC 1344 (Section 404) establishes that permits are required for depositing dredge and fill material into navigable waters.

#### 

#### *State:*

Michigan is one of only two states with authorization from the federal government to administer the federal wetlands program.

For general information about Michigan’s wetlands protection program: <http://www.michigan.gov/deq/0,4561,7-135-3313_3687---,00.html>

MCL 324.30301-30328 describes Michigan’s wetlands protection requirements.

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#### Local:

Under Michigan’s wetland protection program, local units of government may develop ordinances to regulate isolated wetlands smaller than 5 acres in size (MCL 324.30307(4)). Any local government that develops such an ordinance must notify EGLE.

## General Water Policy Information

Part 31 of Act 451 of 1994 Natural Resources and Environmental Protection Act addresses water resources protection: <http://www.legislature.mi.gov/documents/mcl/pdf/mcl-451-1994-ii-1-31.pdf>

The State of Michigan has created an online portal for accessing water resources information and forms and facilitating permit applications and service requests: <https://miwaters.deq.state.mi.us/miwaters/#/external/home>

The Intergovernmental Accord between the Federally Recognized Indian Tribes in Michigan and the Governor of the State of Michigan Concerning Protection of Shared Water Resources was signed in 2004. This document describes the commitment of all parties to improve and protect water resources: <http://www.michigan.gov/documents/Accord_91058_7.pdf>

All Michigan laws can be accessed here: <http://www.legislature.mi.gov>