

ENVIRONMENTAL REQUIREMENTS FOR ACTIVITIES WITHIN MDOT RIGHT-OF-WAY

Issuance of a permit by MDOT does not relieve the permit applicant from meeting any and all requirements of law, or of other public bodies or agencies, including but not limited to the following:

1. Goemare-Anderson Wetland Protection Act, Part 303, P.A. 451 of 1994
Any activity that involves excavation or fill, located within a regulated wetland, requires a Michigan Department of Environment, Great Lakes, and Energy (EGLE) permit. Regulated wetlands are those systems that are contiguous to a lake or stream (within 500 feet), connected to a regulated wetland, or greater than five (5) acres in size.
2. Inland Lakes and Streams Act, Part 301, P.A. 451 of 1994
Any activity located within the ordinary high-water mark of a regulated body of water, i.e., lake, stream, drain, pond, etc., requires a permit. Permit related questions can be directed to EGLE Water Resource Division staff and permit applications can be submitted to EGLE through the MiEnviro Portal System.
3. Soil Erosion and Sedimentation Control Act, Part 91, P.A. 451 1994
Any construction activity located within MDOT Right-of-Way that is authorized by a MDOT permit is the responsibility of the permit applicant and is not covered under MDOT's Authorized Public Agency (APA) authority. Any land disturbance of one (1) acre or greater, or that is located within 500 feet of a lake or stream, requires a soil erosion permit. MDOT does not enforce SESC regulations for permitted activities. Permit applicants are required to obtain SESC permits from the local enforcing agencies (CEAs & LEAs).
Soil erosion and sedimentation controls are required on all projects, even if a soil erosion permit is not required. Individuals performing work shall prevent sediment from entering any body of water or leaving the Right-of-Way.
4. Clean Water Act: National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Requirements for Construction Activities
Any earth disturbance of five (5) acres or greater requires an NPDES Storm Water Discharge Permit from EGLE Water Resources Division. Permit related questions can be directed to EGLE Water Resource Division staff and permit applications can be submitted to EGLE through the MiEnviro Portal System.
5. EGLE Water Resource Division also administers the following environmental laws which may require review prior to construction:
 - Sand Dune Protection Act, Part 353, P.A. 451 of 1994.
 - Shore-lands Protection and Management, Part 323, P.A. 451 of 1994.
 - Great Lakes Submerged Lands Act, Part 325, and P.A. 451 of 1994.
6. There are state and federal agencies administering the following environmental laws which may require review prior to construction:
 - Endangered Species Act, Part 365, and P.A. 451 of 1994.
 - Michigan's Natural Resources and Environmental Protection Act (NREPA), Part 413, and P.A. 451.
 - The Lacey Act, 18 U.S.C. 42, as amended.
 - The Plant Protection Act of 2000, 7 U.S.C. 7701 et seq.
 - The National Invasive Species Act of 1996.
 - Archaeological and Historic Preservation Act of 1974.
7. Natural Resources and Environmental Protection Act (NREPA), Part 201, P.A. 451 of 1994
Any spill or release in MDOT Right-of-Way is required to be cleaned up in accordance with Part 201 of NREPA. All cleanup and remediation activities will be directed, reviewed, and approved by the EGLE incident management staff.

8. Michigan Occupational Safety and Health Administration (MIOSHA) Hazardous Waste Operations and Emergency Response Standard (40-Hour HAZWOPER).
Personnel responding to a spill or release in MDOT Right-of way are required to hold the 40-hour MIOSHA HAZWOPER certification. Uncertified companies are not permitted to conduct spill response activities.

Visit the EGLE webpage [Environment, Great Lakes, and Energy](#) for information related to individual program divisions and offices. Questions regarding these permits may be addressed by contacting the nearest EGLE district field office staff.