



# A Michigan activist's guide to tracking environmental permits

For AI data center, wind/solar/BESS, and heavy industrial development projects

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**EDRA**  
ECONOMIC DEVELOPMENT  
RESPONSIBILITY ALLIANCE  
*of Michigan*

## Who regulates what?

Environmental regulation is piecemealed across a variety of separate local, state, and federal agencies, most of which do not collaborate with one another. This is a basic overview of the various agencies which large-scale development projects are likely to encounter.

### **Township regulation**

Township Zoning (or Planning) Commission controls:

- Township zoning ordinances
- Township zoning applications

Township Board of Trustees controls:

- Final approval of zoning ordinances & applications
- Moratoriums and memorandums
- Site plan application approvals
- Development agreement approvals

If a township does not have its own zoning ordinance, then zoning decisions go up to the county board.

### **County regulation**

County Drain (or Water) Commissioner regulates:

- Soil Erosion and Sediment Control (SESC) permits
- Soil boring permits
- Stormwater management and drainage
- Floodplain management

In most cases, the County Board of Commissioners is also required to approve site plans and development agreements.



## State regulation

### Michigan Department of Energy, Great Lakes, and Environment (EGLE)

EGLE regulates water and air pollution and environmental impacts. Air pollution is regulated under the Air Quality Division (AQD), and water pollution and usage are regulated by the Water Resources Division (WRD).

AQD regulates:

- air permitting (for airborne toxins)
- compliance

WRD regulates:

- wastewater discharge permits
- 301, 303, & 304 permits for development impacting wetlands, lakes, and streams
- water usage program & permits
- compliance

Note that EGLE does not regulate noise; this is regulated at the county and township level through zoning ordinances.

### Michigan Department of Health & Human Services (DHHS)

Is responsible for regulating issues which impact local community health; must sign off on site plan applications and certain types of permits.

### Michigan Department of Natural Resources (DNR)

Enforces state wildlife, game, and fishing laws; works as the law enforcement arm of EGLE's regulation. Reports on unlawful hunting, fishing, water pollution, and other environmental crimes get reported first to the DNR.

## Federal regulation

### Environmental Protection Agency (EPA) Region 5

EPA Region 5 oversees the enforcement of national environmental laws, such as the Clean Water Act, the Clean Air Act, and the National Environmental Protection Act. Most salient to large industrial projects which produce wastewater, such as EV battery, semiconductor, mining, and AI data centers are:

- National Pollutant Discharge Elimination System (NPDES) permitting
- Environmental impact studies (EIS), as required for projects with NPDES permitting under NEPA

### National Fish & Wildlife Service (NFWS)

Enforces wildlife protection laws, including the Endangered Species Act. Collaborates with DNR on local enforcement. Concerns about threatened and endangered species and their habitats get reported to NFWS.

### United States Army Corps of Engineers (UASCE)

Responsible for providing many of the surveys and analysis required for federal environmental permits, such as wetlands and industrial wastewater.



## Permits to watch

### **SESC soil permits (County)**

Soil Erosion and Sediment Control (SESC) permits are required for any project which disturbs the soil and/or moves large quantities of earth. In short: an SESC permit is required to put a shovel in the ground or to dig up stumps. The purpose of permitting is to prevent development projects from causing disturbed soil to erode and wash into local waterways. These county-issued permits are often the baseline for EGLE's related permits.

### **Tree clearing permits (County and/or EGLE)**

Some counties require permits for tree clearing—these laws change from county to county. If trees are on wetlands, permits will be required from EGLE before tree clearing commences.

### **Water usage (EGLE)**

Any facility with the capacity to withdraw 100,000 gallons of water per day must be registered under EGLE's Water Usage Program. Larger withdrawals in excess of 2,000,000 gallons per day require a full water withdrawal permit.

The tool used by this program to assess water usage is [EGLE's Water Withdrawal Assessment Tool \(WWAT\)](#).

Unfortunately, the WWAT program is largely a self-assessment tool; much of water intake regulation relies on self-reporting from the developer. There is great need to revise and improve state laws regarding water intake regulations, permitting, and enforcement.

### **NPDES wastewater permits (EPA)**

National Pollutant Discharge Elimination System (NPDES) permits are required for large industrial facilities which discharge wastewater. AI data centers, semiconductor plants, EV battery plants, and most heavy industrial manufacturing facilities require NPDES permitting.

NPDES are regulated at a federal level by the EPA, but the permitting process is often passed down to the state regulatory agency—EGLE. Regardless of EGLE's role in the process, it is the EPA which is the ultimate authority on NPDES permits, and these permits are guided by federal laws—specifically the Clean Water Act.

NPDES permits require, by federal law, that environmental impact studies (EIS) be conducted by a third party and considered for review, before permits can be issued. This law has not been enforced on large projects in Michigan since 2021; no one has challenged the enforcement of this law in court—yet.

### **Wetlands permits (EGLE)**

Michigan has its own relatively strong water protection laws, which work alongside the state Clean Water Act and other laws overseen by the EPA. Any alterations to areas designated by EGLE as wetlands, streams, lakes, or rivers require a permit, under Parts 301, 303, or 304 of the Clean Water Act.

Browse EGLE's [Wetlands Inventory Map](#) to find wetlands in your area.



## Other issues to watch

### Flood plains (County)

Does the proposed development lie within a known flood plain? If so, the project will require extra consideration by the county Drain or Water Commissioner; it's their responsibility to regulate development within flood plains to ensure that property damage and loss of life does not occur from flooding. If a flood causes property damage or loss of life within a county, it's the county that is financially responsible. It's the Drain Commissioner's job to ensure that doesn't happen.

However; that doesn't mean that the county has all the most recent records of flood plain analysis. Nor is the commissioner required to prompt a new study. You may have to search local libraries and university records to find flood plain analysis of the site. If there are none, and you suspect the area is within a flood plain, you may need to commission a scientific study yourself.

### Impact on human health (DHHS)

It is your local DHHS district office's job to ensure that developments don't pose significant risk to local human health. DHHS is in the loop, and is sometimes required to sign off on development site plan applications and certain permits. It's important to be in direct communication to your local DHHS office, so that you can express your concerns about the project. A proactive District Supervisor will help you advocate for human health, from a position of authority.

### Endangered species

Threatened and endangered species are federally protected under the Endangered Species Act, which is enforced by National Fish & Wildlife Services. By law, killing certain species, or destroying their habitat, is a federal crime. Bald eagles, blue herons, and karner blue butterflies are all examples.

However, it's important to keep in mind that EGLE and EPA permits provide pathways to legalize the destruction of even federally protected habitats. In other words: the developer can in most cases get a permit to legalize the destruction of federally protected species habitat.

It's also important to note that enforcement of ESA laws has been very weak over the last decade. That being said: the pending destruction of federally protected habitats can certainly stir up negative public sentiment and media exposure about the project. Enough public awareness and the attention of media and environmental organizations can prompt federal agencies to enforce these laws.

A word of caution: be leery of talking publicly about the potential presence of endangered species until you have documented proof which has been submitted to the authorities. Developers and their watchdogs are listening carefully, and you don't want to call their attention to endangered species until they've been recorded and reported. It's not unheard of for developers to stoop to destroying nests.



## Public Information and Services



### Public Notice Search

Find public notices, hearings, and other events. Access documents made publicly available through these events.



### Site Map Explorer

Use our mapping tool to search environmental projects capabilities to navigate environmental problems, information.



### Beachguard

Search for information for Michigan beaches including water quality sampling results and beach advisories and closures.



### NESHAP Asbestos Notification Search

Search for notifications that have been submitted to Michigan EGLE



### Submit Complaint of Pollution, Spills, or Unauthorized Activities

Submit a complaint of pollution (air or water), spills, or unauthorized activities impacting air quality, wetlands, lakes or streams. File a report with anonymity if you choose.



### CSO/SSO Discharge Search

Search for Combined Sewer Overflow (CSO), Retention Treatment Basin (RTB), and Sanitary Sewer Overflow (SSO) discharge events.



### Air Toxics Screening Level

Search regulated air pollutants for information on Initial Threshold/Initial Risk screening levels, as well as those chemicals that are under review and open for



### Sign Up For / Manage Alerts

Sign up to receive notifications when Permit applications are received, Permits are Issued/Denied, or Public Notices are posted.

## Using MiEnviro Portal to track EGLE permits

Public documents relating to state environmental permits can be found at EGLE's MiEnviro Portal at:

[Michigan.gov/MiEnviro](http://Michigan.gov/MiEnviro)

Information is posted here from both EGLE and from the developer.

**From the MiEnviro Portal homepage**, there are four main tiles to choose from. You'll be using Search public information and Public notices and comments.

**Site Map Explorer** will bring you to a Map Explorer Tool which is a full database of both Water Resources Division (WRD) and Air Quality Division (AQD) information.

The easiest way to locate all documents for a certain project is to search by the address, the site name, or a permit or submission number. You can begin by searching for the project name. If you don't know the address or site name, you can try to locate the project by map, using the map search tool. Keep in mind that the developer may have multiple projects, under multiple site names, listed in MiEnviro Portal.

Once you've found and selected a project, select the "Documents" tab to see all documents that have been posted for that project.



**Public Notice Search** will bring you to a searchable database of all EGLE public notices; you can also submit public comment on active applications, during their public comment window. Note that public notices are also contained within the Map Explorer Tool database we just discussed.

**Sign Up for / Manage Alerts** is easiest way to keep tabs on any new permitting activity by the developer is to subscribe for EGLE MiEnviro notifications for your county. That way, any new permitting notices come straight to your email inbox.

When you click this box, you'll come to a page where you can submit your email, then EGLE will send you a link. This will bring you to a page where you can choose your subscription options:

First, you can select which types of notices you want to receive. We recommend checking: Public Notices going into effect, Permits issued/denied, and Applications received.

Next, choose which county or counties you want to receive notifications on.

Last, choose which programs to subscribe to. AQD (Air) has just one category. Water Resources Division (WRD) has several. They are:

- ANC - Aquatic Nuisance Control, which regulates the chemical control of aquatic plants and algae.
- Groundwater
- NPDES - National Pollutant Discharge Elimination System, which regulates all waste water pollutants from large industrial facilities—such as EV battery plants, semiconductor manufacturing facilities, and AI data centers.
- Part 41 - Wastewater Construction Permits, which regulate the construction of all wastewater and sewage treatment systems.
- Resources - Miscellaneous resources from EGLE
- Rule 97 - Regulates the chemical augmentation of lakes and surface waters.

At a minimum, **we recommend you subscribe to:**

- AQD (Air),
- WRD - Groundwater,
- WRD - NPDES, and
- WRD - Part 41.

Questions? Comments? Want to get connected with folks in other communities? Reach out to [contact@edraofmi.org](mailto:contact@edraofmi.org).

