

**SUBSTITUTE FOR
SENATE BILL NO. 902**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 88.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 88 NONPOINT SOURCE POLLUTION PREVENTION AND CONTROL GRANTS

2 SEC. 8801. AS USED IN THIS PART:

3 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
4 QUALITY.

5 (B) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

6 (C) "GRANT" MEANS A NONPOINT SOURCE POLLUTION PREVENTION AND
7 CONTROL GRANT UNDER THIS PART.

8 (D) "LOCAL UNIT OF GOVERNMENT" MEANS A COUNTY, CITY, VIL-
9 LAGE, OR TOWNSHIP, OR AN AGENCY OF A COUNTY, CITY, VILLAGE, OR
10 TOWNSHIP; THE OFFICE OF A COUNTY DRAIN COMMISSIONER; A SOIL
11 CONSERVATION DISTRICT ESTABLISHED UNDER PART 93; A WATERSHED

SB 902, As Passed Senate, April 16, 1998

SB 902 as amended April 15, 1998

2

1 COUNCIL; A LOCAL HEALTH DEPARTMENT AS DEFINED IN SECTION 1105 OF
2 THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1105; OR AN AUTHOR-
3 ITY OR ANY OTHER PUBLIC BODY CREATED BY OR PURSUANT TO STATE
4 LAW.

5 (E) "NONPOINT SOURCE POLLUTION" MEANS WATER POLLUTION FROM
6 DIFFUSE SOURCES, INCLUDING RUNOFF FROM PRECIPITATION OR SNOWMELT
7 CONTAMINATED THROUGH CONTACT WITH POLLUTANTS IN THE SOIL OR ON
8 OTHER SURFACES AND EITHER INFILTRATING INTO THE GROUNDWATER OR
9 BEING DISCHARGED TO SURFACE WATERS, OR RUNOFF OR WIND CAUSING
10 EROSION OF SOIL INTO SURFACE WATERS.

11 SEC. 8802. (1) THE DEPARTMENT SHALL ESTABLISH A NONPOINT
12 SOURCE POLLUTION PREVENTION AND CONTROL GRANTS PROGRAM. THE
13 GRANTS PROGRAM SHALL PROVIDE GRANTS TO LOCAL UNITS OF GOVERNMENT
14 OR ENTITIES THAT ARE EXEMPT FROM TAXATION UNDER SECTION 501(c)(3) OF
15 THE INTERNAL REVENUE CODE FOR NONPOINT SOURCE POLLUTION PREVEN-

16 FOLLOWING:

17 (A) IMPLEMENT THE PHYSICAL IMPROVEMENT PORTION OF WATERSHED
18 PLANS THAT ARE APPROVED BY THE DEPARTMENT.

19 (B) REDUCE SPECIFIC NONPOINT SOURCE POLLUTION AS IDENTIFIED
20 BY THE DEPARTMENT.

21 (2) FOR ANY GRANT ISSUED UNDER THIS PART, A LOCAL UNIT OF
22 GOVERNMENT SHALL CONTRIBUTE AT LEAST 25% OF THE TOTAL PROJECT'S
23 COST FROM OTHER PUBLIC OR PRIVATE FUNDING SOURCES. THE DEPART-
24 MENT MAY APPROVE IN-KIND SERVICES TO MEET ALL OR A PORTION OF THE
25 MATCH REQUIREMENT UNDER THIS SUBSECTION. IN ADDITION, THE
26 DEPARTMENT MAY ACCEPT AS THE MATCH REQUIREMENT UNDER THIS
27 SUBSECTION A CONTRACT BETWEEN THE GRANT APPLICANT AND THE

SB 902, As Passed Senate, April 16, 1998

Senate Bill No. 902

3

1 DEPARTMENT THAT PROVIDES FOR MAINTENANCE OF THE PROJECT OR
2 PRACTICES THAT ARE FUNDED UNDER TERMS ACCEPTABLE TO THE
3 DEPARTMENT. THE CONTRACT SHALL REQUIRE MAINTENANCE OF THE
4 PROJECT OR PRACTICES THROUGHOUT THE PERIOD OF TIME IN WHICH THE
5 STATE IS PAYING OFF THE BONDS THAT WERE ISSUED PURSUANT TO THE
6 CLEAN MICHIGAN INITIATIVE ACT TO IMPLEMENT THIS PART.

7 SEC. 8803. IN SELECTING PROJECTS FOR A GRANT AWARD, THE
8 DEPARTMENT SHALL CONSIDER THE FOLLOWING AS THEY RELATE TO THE
9 PROJECT:

10 (A) THE EXPECTATION FOR LONG-TERM WATER QUALITY
11 IMPROVEMENT.

12 (B) THE EXPECTATION FOR LONG-TERM PROTECTION OF HIGH QUALITY
13 WATERS.

14 (C) THE CONSISTENCY OF THE PROJECT WITH REMEDIAL ACTION
15 PLANS AND OTHER REGIONAL WATER QUALITY OR WATERSHED MANAGEMENT
16 PLANS APPROVED BY THE DEPARTMENT.

17 (D) THE PLACEMENT OF THE WATERSHED ON THE LIST OF IMPAIRED
18 WATERS PURSUANT TO SECTION 303(d) OF TITLE III OF THE FEDERAL
19 WATER POLLUTION CONTROL ACT, CHAPTER 758, 86 STAT. 846, 33
20 U.S.C. 1313.

21 (E) COMMITMENTS FOR FINANCIAL AND TECHNICAL ASSISTANCE FROM
22 THE PARTNERS IN THE PROJECT.

23 (F) FINANCIAL AND OTHER RESOURCE CONTRIBUTIONS, INCLUDING
24 IN-KIND SERVICES, BY PROJECT PARTICIPANTS IN EXCESS OF THAT
25 REQUIRED IN SECTION 8802(2).

26 (G) THE LENGTH OF TIME THE APPLICANT HAS COMMITTED TO
27 MAINTAIN THE PHYSICAL IMPROVEMENTS.

SB 902, As Passed Senate, April 16, 1998

Senate Bill No. 902

4

1 (H) THE COMMITMENT TO PROVIDE MONITORING TO DOCUMENT
2 IMPROVEMENT IN WATER QUALITY OR THE REDUCTION OF POLLUTANT
3 LOADS.

4 (I) OTHER INFORMATION THE DEPARTMENT CONSIDERS RELEVANT.

5 SEC. 8804. A LOCAL UNIT OF GOVERNMENT THAT WISHES TO APPLY
6 FOR A GRANT SHALL SUBMIT A GRANT APPLICATION TO THE DEPARTMENT IN
7 A MANNER PRESCRIBED BY THE DEPARTMENT AND CONTAINING THE INFORMA-
8 TION REQUIRED BY THE DEPARTMENT. THE GRANT APPLICATION SHALL
9 ALSO INCLUDE ALL OF THE FOLLOWING:

10 (A) A DETAILED DESCRIPTION OF THE PROJECT FOR WHICH THE
11 GRANT IS SOUGHT.

12 (B) A DISCUSSION OF HOW THE PROJECT IS CONSISTENT WITH AN
13 APPROVED WATERSHED PLAN, IF APPLICABLE.

14 (C) A DESCRIPTION OF THE TOTAL COST OF THE PROJECT AND THE
15 SOURCE OF THE LOCAL GOVERNMENT'S CONTRIBUTION TO THE PROJECT.

16 SEC. 8805. UPON RECEIPT OF A GRANT APPLICATION PURSUANT TO
17 SECTION 8804, THE DEPARTMENT SHALL CONSIDER THE PROJECTS PROPOSED
18 TO BE FUNDED AND THE EXTENT THAT MONEY IS AVAILABLE FOR GRANTS
19 UNDER THIS PART, AND SHALL ISSUE GRANTS FOR PROJECTS THAT THE
20 DEPARTMENT DETERMINES WILL ASSIST IN THE PREVENTION OR CONTROL OF
21 POLLUTION FROM NONPOINT SOURCES.

22 SEC. 8806. THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT
23 THIS PART.

24 Enacting section 1. This amendatory act takes effect
25 December 1, 1998.

26 Enacting section 2. This amendatory act does not take
27 effect unless the question provided for in the clean Michigan

SB 902, As Passed Senate, April 16, 1998

SB 902 as amended April 15, 1998

5

1 initiative act is approved by a majority of the registered
2 electors voting on the question at the November 1998 general
3 election.

4 Enacting section 3. This amendatory act does not take
5 effect unless all of the following bills of the 89th Legislature
6 are enacted into law:

7 (a) Senate Bill No. 904.

8 (b) House Bill No. 5620.

9 (c) House Bill No. 5622.

(d) House Bill No. 5719.