

# SENATE BILL NO. 194

March 12, 2019, Introduced by Senator LUCIDO and referred to the Committee on Environmental Quality.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding part 32.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 **PART 32 WATER QUALITY ALLIANCES**

2 **Sec. 3201. As used in this part:**

3 **(a) "Beneficial use impairment" means that term as defined in**  
4 **annex 1 of the Great Lakes water quality agreement of 1978.**

1 (b) "County agency" means an agency created or controlled by a  
2 county board of commissioners or a county executive, a board of  
3 county road commissioners, or an office of a county drain  
4 commissioner or water resources commissioner.

5 (c) "Great Lakes water quality agreement of 1978" means the  
6 "Great Lakes water quality agreement of 1978" between the United  
7 States and Canada signed November 22, 1978, including the  
8 phosphorus load reduction supplement signed October 16, 1983, and  
9 as amended by protocol signed November 18, 1987.

10 (d) "Member" means a municipality, county, county agency,  
11 public school district, public college or university, or other  
12 local or regional public agency that is a member of a water quality  
13 alliance as provided for in this part.

14 (e) "Water intake" means equipment for the withdrawal and  
15 transport of water from a body of surface water for use primarily  
16 by a public drinking water system.

17 (f) "Water quality alliance" means an organization established  
18 under section 3202.

19 Sec. 3202. (1) Two or more municipalities, by resolution of  
20 their respective governing bodies, may establish a water quality  
21 alliance for the purpose of monitoring water quality within the  
22 jurisdiction of the water quality alliance and conducting related  
23 activities, including 1 or more of the following:

24 (a) Conducting sampling of water bodies and analysis of  
25 science-based water quality data necessary to identify  
26 contamination and contamination sources.

27 (b) Informing the public about the monitoring program and the  
28 sampling and analyses of water quality data.

29 (c) Providing water quality data to other governmental

1 agencies, colleges and universities, schools, and other persons for  
2 scientific, environmental compliance, and educational purposes.

3 (d) Implementing a notification system, approved by the  
4 department, for all users of a combined sewer system to alert the  
5 users that atmospheric conditions pose a threat of a sewage or  
6 chemical discharge and that a reduction in water usage could  
7 prevent or minimize the threat. The notification system may provide  
8 for different alerts based upon the magnitude of the threat.

9 (2) A resolution under subsection (1) establishing a water  
10 quality alliance shall include bylaws that identify, at a minimum,  
11 all of the following:

12 (a) The structure of the organization and decision-making  
13 process.

14 (b) The water bodies or water intakes, or both, within the  
15 jurisdiction of the water quality alliance.

16 (c) The municipalities, counties, county agencies, public  
17 school districts, and other local or regional public agencies  
18 eligible for membership in the water quality alliance as provided  
19 under subsection (3), including municipalities that operate water  
20 intakes supporting connected water treatment facilities.

21 (d) The basis for assessing costs to members.

22 (e) A mechanism to be used for adoption of an annual budget to  
23 support projects and activities.

24 (3) A water quality alliance shall provide for all  
25 municipalities, counties, and county agencies within the  
26 jurisdiction of the water quality alliance, including  
27 municipalities that operate water intakes supplying connected water  
28 treatment facilities, to voluntarily join as members on an  
29 equitable basis. In addition, at its discretion, the water quality

1 alliance may authorize the voluntary membership of any local public  
2 school district, public college or university, or any other local  
3 or regional public agency. Following establishment of a water  
4 quality alliance under subsection (1), by resolution of its  
5 governing body, a municipality, county, county agency, public  
6 school district, public college or university, or other local or  
7 regional public agency established under state law may voluntarily  
8 join a water quality alliance as provided for in this subsection.

9       Sec. 3203. A water quality alliance shall carry out its  
10 responsibilities under this part and as otherwise provided by law.

11       Sec. 3204. (1) A water quality alliance, consistent with the  
12 purposes identified in section 31202 and its bylaws, may do 1 or  
13 more of the following:

14       (a) Employ personnel.

15       (b) Enter into agreements or contracts with public or private  
16 entities.

17       (c) Assess and collect fees from members with approval of the  
18 governing bodies of the members.

19       (d) Solicit grants, gifts, and contributions from federal,  
20 state, regional, or local public agencies and from private sources.

21       (e) Expend funds provided by members, or through grants,  
22 gifts, and contributions.

23       (f) Represent members of the water quality alliance before  
24 other bodies considering issues affecting water quality within the  
25 jurisdiction of the water quality alliance, including obtaining  
26 local, state, or federal permits or authorizations that may be  
27 required to carry out activities as may be authorized by its  
28 members.

29       (2) A water quality alliance shall prepare and deliver to its

1 members on or before April 1 of each year a report detailing the  
2 revenue received and expenditures by the water quality alliance  
3 during the immediately preceding calendar year.

4 (3) A water quality alliance does not have independent  
5 authority to assess or collect any fees or taxes directly from  
6 individuals or property owners. A water quality alliance member may  
7 allocate public funds from taxes, assessments, or fees, including,  
8 but not limited to, volumetric fees charged to water supply  
9 customers, generated under other state laws for use by a water  
10 quality alliance.

11 Sec. 3205. (1) A water quality alliance shall obtain an audit  
12 of its financial records, accounts, and procedures at least every  
13 other year.

14 (2) A water quality alliance shall submit the results of an  
15 audit under subsection (1) to the governing bodies of its members  
16 and to the state treasurer.

17 (3) An audit under subsection (1) must satisfy all audit  
18 requirements set under the uniform budgeting and accounting act,  
19 1968 PA 2, 141.421 to 141.440a.

20 Sec. 3206. This part does not provide a water quality alliance  
21 or any of its members with any additional authority not otherwise  
22 provided by law.

23 Enacting section 1. This amendatory act takes effect 90 days  
24 after the date it is enacted into law.