

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
**Act 451 of 1994**

**324.3121 National pollutant discharge elimination system fund.**

Sec. 3121.

- (1) The national pollutant discharge elimination system fund is created within the state treasury.
- (2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.
- (3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.
- (4) The department shall expend money from the fund, upon appropriation, only to administer the national pollutant discharge elimination system program under this part including, but not limited to, all of the following:
  - (a) Water quality standards development and maintenance.
  - (b) Permit development and issuance.
  - (c) Maintenance of program data.
  - (d) Ambient water quality monitoring conducted to determine permit conditions and evaluate the effectiveness of permit requirements.
  - (e) Activities conducted to determine a discharger's permit compliance status, including, but not limited to, inspections, discharge monitoring, and review of submittals.
  - (f) Laboratory services.
  - (g) Enforcement.
  - (h) Program administration activities.
- (5) By January 1, 2006 and by January 1 of each year thereafter, the department shall prepare and submit to the governor, the legislature, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations to the department a report that details the departmental activities of the previous fiscal year in administering the department's national pollutant discharge elimination system program that were funded by the fund. This report shall include, at a minimum, all of the following as it relates to the department:
  - (a) The number of full-time equated positions performing each of the following functions:
    - (i) Permit issuance and development.
    - (ii) Compliance.
    - (iii) Enforcement.
  - (b) The number of permit applications received by the department in the preceding year, including applications for new and increased uses and reissuances.
  - (c) The number of staff hours dedicated to each of the fee categories listed in section 3120.
  - (d) The number of permits issued for fee categories listed in section 3120.
  - (e) The number of permit applications denied.
  - (f) The number of permit applications withdrawn by the applicant.
  - (g) The percentage and number of permit applications that were reviewed for administrative completeness within statutory time frames.
  - (h) The percentage and number of permit applications submitted to the department that were administratively complete as received.
  - (i) The percentage and number of permit applications for which a final action was taken by the department within statutory time frames for new and increased uses and reissuances.
  - (j) The number of permits reopened by the department.
  - (k) The number of unfilled positions dedicated to the national pollutant discharge elimination system program.
  - (l) The amount of revenue in the fund at the end of the fiscal year.
- (6) As used in this section:
  - (a) "Fund" means the national pollutant discharge elimination system fund created in subsection (1).
  - (b) "National pollutant discharge elimination system program" means the national pollutant discharge elimination system program delegated to the department under section 402 of title IV of the federal water pollution control act, chapter 758, 86 Stat. 880, 33 U.S.C. 1342, and implemented under this part.

**History:** Add. 2004, Act 91, Imd. Eff. Apr. 22, 2004

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