

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 902**

(As amended June 17, 1998)

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 [OR A WELLHEAD PROTECTION 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

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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 [, IN CONSULTATION WITH THE
DEPARTMENT OF AGRICULTURE,] SHALL ESTABLISH A GRANTS PROGRAM
12 TO PROVIDE GRANTS FOR NONPOINT SOURCE POLLUTION PREVENTION AND
13 CONTROL PROJECTS AND WELLHEAD PROTECTION PROJECTS. THE GRANTS
14 PROGRAM SHALL PROVIDE GRANTS TO LOCAL UNITS OF GOVERNMENT OR
15 ENTITIES THAT ARE EXEMPT FROM TAXATION UNDER SECTION 501(c)(3) OF
16 THE INTERNAL REVENUE CODE. THE TOTAL AMOUNT OF GRANTS PROVIDED
17 UNDER THE GRANTS PROGRAM SHALL BE ALLOCATED AS FOLLOWS:

18 (A) TWO-THIRDS FOR NONPOINT SOURCE POLLUTION PREVENTION AND
19 CONTROL PROJECTS THAT DO EITHER OR BOTH OF THE FOLLOWING:

20 (i) IMPLEMENT THE PHYSICAL IMPROVEMENT PORTION OF WATERSHED
21 PLANS THAT ARE APPROVED BY THE DEPARTMENT.
(ii) REDUCE SPECIFIC NONPOINT SOURCE POLLUTION AS IDENTIFIED BY
THE DEPARTMENT.
(B) ONE-THIRD FOR WELLHEAD PROTECTION PROJECTS THAT ARE
CONSISTENT WITH A WELLHEAD PROTECTION PLAN APPROVED BY THE
DEPARTMENT THAT DO ANY OF THE FOLLOWING:
(i) PLUG ABANDONED WELLS.
(ii) PROVIDE FOR THE PURCHASE OF LAND OR THE PURCHASE OF RIGHTS
IN LAND FOR THE PURPOSE OF PROTECTING AQUIFER RECHARGE AREAS.
(iii) IMPLEMENT THE PHYSICAL IMPROVEMENT PORTION OF THE
WELLHEAD PROTECTION PLAN.]

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

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1 SUBSECTION A CONTRACT BETWEEN THE GRANT APPLICANT AND THE

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2 DEPARTMENT THAT PROVIDES FOR MAINTENANCE OF THE PROJECT OR PRAC-
3 TICES THAT ARE FUNDED UNDER TERMS ACCEPTABLE TO THE DEPARTMENT.
4 THE CONTRACT SHALL REQUIRE MAINTENANCE OF THE PROJECT OR PRAC-
5 TICES THROUGHOUT THE PERIOD OF TIME IN WHICH THE STATE IS PAYING
6 OFF THE BONDS THAT WERE ISSUED PURSUANT TO THE MICHIGAN'S [ECONOMIC,
7 ENVIRONMENT, AND RECREATION INITIATIVE ACT] TO IMPLEMENT THIS PART.

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

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

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

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

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

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

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

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1 (G) THE LENGTH OF TIME THE APPLICANT HAS COMMITTED TO
2 MAINTAIN THE PHYSICAL IMPROVEMENTS.

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

[(I) WHETHER THE PROJECT PROVIDES BENEFITS TO SOURCES OF
DRINKING WATER.]

6 [(J)] OTHER INFORMATION THE DEPARTMENT CONSIDERS RELEVANT.

7 SEC. 8804. A LOCAL UNIT OF GOVERNMENT THAT WISHES TO APPLY
8 FOR A GRANT SHALL SUBMIT A WRITTEN GRANT APPLICATION TO THE
9 DEPARTMENT IN A MANNER PRESCRIBED BY THE DEPARTMENT AND CONTAIN-
10 ING THE INFORMATION REQUIRED BY THE DEPARTMENT. THE GRANT APPLI-
11 CATION SHALL ALSO INCLUDE ALL OF THE FOLLOWING:

12 (A) A DETAILED DESCRIPTION OF THE PROJECT FOR WHICH THE
13 GRANT IS SOUGHT.

14 (B) AN EXPLANATION OF HOW THE PROJECT IS CONSISTENT WITH AN
15 APPROVED WATERSHED PLAN, IF APPLICABLE.

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

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

24 SEC. 8806. GRANTS MADE UNDER THIS PART ARE SUBJECT TO THE
25 APPLICABLE REQUIREMENTS OF PART 196. THE DEPARTMENT SHALL ADMIN-
26 ISTER THIS PART IN COMPLIANCE WITH THE APPLICABLE REQUIREMENTS OF

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1 PART 196, INCLUDING THE REPORTING REQUIREMENTS TO THE LEGISLATURE
2 OF THE GRANTS PROVIDED UNDER THIS PART.

3 SEC. 8807. THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT
4 THIS PART.

5 Enacting section 1. This amendatory act takes effect
6 December 1, 1998.

7 Enacting section 2. This amendatory act does not take
8 effect unless the question provided for in the [Michigan's economic,
9 initiative act is approved by a majority of the registered elec-
10 tors voting on the question at the November 1998 general
11 election.

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

15 (a) Senate Bill No. 904.

16 (b) House Bill No. 5620.

17 (c) House Bill No. 5622.

18 (d) House Bill No. 5719.