

**SENATE BILL NO. 902**

February 19, 1998, Introduced by Senators KOIVISTO, BENNETT, DUNASKISS, GAST, NORTH, GOUGEON, STILLE and MC MANUS and referred to the Committee on Natural Resources and Environmental Affairs.

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

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

5 (E) "NONPOINT SOURCE" MEANS WATER POLLUTION FROM DIFFUSE  
6 SOURCES, INCLUDING RUNOFF FROM PRECIPITATION OR SNOWMELT CONTAMI-  
7 NATED THROUGH CONTACT WITH POLLUTANTS IN THE SOIL OR ON OTHER  
8 SURFACES AND EITHER INFILTRATING INTO THE GROUNDWATER OR BEING  
9 DISCHARGED TO SURFACE WATERS, OR RUNOFF OR WIND CAUSING EROSION  
10 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 FOR NONPOINT SOURCE POLLUTION PREVENTION PROJECTS THAT DO 1 OR  
15 MORE OF THE FOLLOWING:

16 (A) IMPLEMENT THE PHYSICAL IMPROVEMENT PORTION OF WATERSHED  
17 PLANS THAT ARE APPROVED BY THE DEPARTMENT UNDER SECTION 8805  
18 UNDER SECTION 8805.

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

21 (C) SUPPORT LARGE-SCALE WATERSHED PROGRAMS CONSISTENT WITH  
22 THE PHYSICAL IMPROVEMENT PORTION OF WATERSHED PLANS APPROVED BY  
23 THE DEPARTMENT UNDER SECTION 8805.

24 (2) FOR ANY GRANT ISSUED UNDER THIS PART, THE DEPARTMENT  
25 SHALL REQUIRE THAT A LOCAL UNIT OF GOVERNMENT CONTRIBUTE 30% OF  
26 THE TOTAL PROJECT'S COST FROM OTHER PUBLIC OR PRIVATE FUNDING  
27 SOURCES. THE DEPARTMENT MAY APPROVE IN-KIND SERVICES TO MEET ALL

1 OR A PORTION OF THE MATCH REQUIREMENT PROVIDED IN THIS  
2 SUBSECTION. IN ADDITION, THE DEPARTMENT MAY WAIVE THE MATCH  
3 REQUIREMENT REQUIRED IN THIS SUBSECTION IF THE GRANT APPLICANT  
4 ENTERS INTO A CONTRACT THAT PROVIDES FOR MAINTENANCE OF THE  
5 PROJECT OR PRACTICES THAT ARE FUNDED UNDER TERMS ACCEPTABLE TO  
6 THE DEPARTMENT.

7 SEC. 8803. A LOCAL UNIT OF GOVERNMENT THAT WISHES TO APPLY  
8 FOR A GRANT SHALL SUBMIT A GRANT APPLICATION TO THE DEPARTMENT IN  
9 A MANNER PRESCRIBED BY THE DEPARTMENT AND CONTAINING THE INFORMA-  
10 TION REQUIRED BY THE DEPARTMENT. THE GRANT APPLICATION SHALL  
11 ALSO INCLUDE ALL OF THE FOLLOWING:

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

14 (B) A DISCUSSION 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. 8804. UPON RECEIPT OF A GRANT APPLICATION PURSUANT TO  
19 SECTION 8803, THE DIRECTOR 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 DIRECTOR DETERMINES WILL ASSIST IN THE PREVENTION OR CONTROL OF  
23 POLLUTION FROM NONPOINT SOURCES.

24 SEC. 8805. (1) UPON REQUEST, THE DEPARTMENT SHALL REVIEW  
25 AND APPROVE OR DISAPPROVE A WATERSHED PLAN THAT HAS BEEN SUBMIT-  
26 TED TO THE DEPARTMENT.

1 (2) AN APPROVABLE WATERSHED PLAN SHALL ADDRESS ALL OF THE  
2 FOLLOWING:

3 (A) THE BENEFICIAL USES AFFECTED BY NONPOINT SOURCE  
4 POLLUTION.

5 (B) THE POLLUTANTS AFFECTING THE BENEFICIAL USES.

6 (C) THE SOURCES OF THE POLLUTANTS.

7 (D) THE SELECTED METHODS OF CONTROLLING THE POLLUTANTS,  
8 INCLUDING PHYSICAL IMPROVEMENTS, INSTITUTIONAL CHANGES, AND AN  
9 INFORMATION OR EDUCATION CAMPAIGN.

10 (3) THE DEPARTMENT SHALL GIVE PUBLIC NOTICE OF ITS INTENT TO  
11 APPROVE A WATERSHED PLAN AND SHALL CONSIDER COMMENTS ON THAT  
12 INTENT FOR A 30-DAY PERIOD. IF 2 OR MORE LOCAL UNITS OF GOVERN-  
13 MENT SUBMIT WATERSHED PLANS FOR THE SAME WATERSHED, THE DEPART-  
14 MENT SHALL RETURN THE PLANS WITH THE DIRECTION TO THE LOCAL UNITS  
15 OF GOVERNMENT TO WORK TOGETHER TO DEVELOP A SINGLE WATERSHED PLAN  
16 SUBMITTED BY 1 LOCAL UNIT OF GOVERNMENT.

17 SEC. 8806. THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT  
18 THIS PART.

19 Enacting section 1. This amendatory act does not take  
20 effect unless all of the following bills of the 89th Legislature  
21 are enacted into law:

22 (a) Senate Bill No. 901.

23

24 (b) Senate Bill No. 904.

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26 (c) Senate Bill No. 903.

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