

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5893**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 5303 (MCL 324.5303), as amended by 2001
PA 221.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5303. (1) Municipalities shall consider and utilize,
2 where possible, cooperative regional or intermunicipal projects
3 in satisfying sewerage needs in the development of project
4 plans.

5 (2) A municipality may submit a project plan for use by the
6 department in developing a priority list.

7 (3) The project plan for a tier I project shall include doc-
8 umentation that demonstrates that the project is needed to assure
9 maintenance of, or to progress toward, compliance with the
10 federal water pollution control act or part 31, and to meet the

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1 minimum requirements of the national environmental policy act of
2 1969, Public Law 91-190, 42 U.S.C. 4321, 4331 to 4335, and 4341
3 to 4347. The documentation shall demonstrate all of the
4 following:

5 (a) The need for the project.

6 (b) That feasible alternatives to the project were evaluated
7 taking into consideration VOLUME REDUCTION OPPORTUNITIES AND the
8 demographic, topographic, hydrologic, and institutional charac-
9 teristics of the area.

10 (c) That the project is cost effective and implementable
11 from a legal, institutional, financial, and management
12 standpoint.

13 (d) Other information as required by the department.

14 (4) The project plan for a tier II project shall include
15 documentation that demonstrates that the project is or was needed
16 to assure maintenance of or progress towards compliance with the
17 federal water pollution control act or part 31, and is consistent
18 with all applicable state environmental laws. The documentation
19 shall include all of the following information:

20 (a) Information to demonstrate the need for the project.

21 (b) A showing that the cost of the project is or was justi-
22 fied, taking into account available alternatives. Those costs
23 determined by the department to be in excess of those costs jus-
24 tified will not be eligible for assistance under this part.

25 (5) After notice and an opportunity for public comment, the
26 department shall annually develop ~~a~~ SEPARATE priority ~~list~~
27 LISTS for sewage treatment works projects and stormwater

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1 treatment projects, ~~and a separate priority list~~ for nonpoint
2 source projects, AND FOR PROJECTS FUNDED UNDER THE STRATEGIC
3 WATER QUALITY INITIATIVES FUND CREATED IN SECTION 5204. Projects
4 not funded during the time that a priority list developed under
5 this section is in effect shall be automatically prioritized on
6 the next annual list using the same criteria, unless the munici-
7 pality submits an amendment to its plan that introduces new
8 information to be used as the basis for prioritization. These
9 priority lists shall be based upon project plans submitted by
10 municipalities, and the following criteria:

11 (a) That a project complies with all applicable standards in
12 part 31 and the federal water pollution control act.

13 (b) An application for a segment of a project that received
14 funds under the title II construction grant program or title VI
15 state revolving loan funds of the federal water pollution control
16 act OR THE STRATEGIC WATER QUALITY INITIATIVES FUND CREATED IN
17 SECTION 5204 shall be first priority ON ITS RESPECTIVE PRIORITY
18 LIST for funding for a period of not more than 3 years after
19 funds were first committed under those programs.

20 (c) If the project is a sewage treatment works project or a
21 stormwater treatment project, all of the following criteria:

22 (i) The severity of the water pollution problem to be
23 addressed, maximizing progress towards restoring beneficial uses
24 and meeting water quality standards.

25 (ii) A determination of whether a project is or was neces-
26 sary to comply with an order, permit, or other document with an
27 enforceable schedule for addressing a municipality's

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1 sewage-related water pollution problems that was issued by the
2 department or entered as part of an action brought by the state
3 against the municipality or any component of the municipality. A
4 municipality may voluntarily agree to an order, permit, or other
5 document with an enforceable schedule as described in this
6 subparagraph.

7 (iii) The population to be served by the project. HOWEVER,
8 THE CRITERION PROVIDED IN THIS SUBPARAGRAPH SHALL NOT BE APPLIED
9 TO PROJECTS FUNDED BY THE STRATEGIC WATER QUALITY INITIATIVES
10 FUND CREATED IN SECTION 5204.

11 (iv) The dilution ratio existing between the discharge
12 volume and the receiving stream.

13 (D) IF THE PROJECT IS A SEWAGE TREATMENT WORKS PROJECT, 100
14 PRIORITY POINTS SHALL BE AWARDED PURSUANT TO R 323.958 OF THE
15 MICHIGAN ADMINISTRATIVE CODE FOR EACH OF THE FOLLOWING THAT APPLY
16 TO THE PROJECT:

17 (i) THE PROJECT ADDRESSES ON-SITE SEPTIC SYSTEMS THAT ARE
18 ADVERSELY AFFECTING THE WATER QUALITY OF A WATER BODY OR REPRE-
19 SENT A THREAT TO PUBLIC HEALTH, PROVIDED THAT SOIL AND HYDROLOGIC
20 CONDITIONS ARE NOT SUITABLE FOR THE REPLACEMENT OF THOSE ON-SITE
21 SEPTIC SYSTEMS.

22 (ii) THE PROJECT INCLUDES THE CONSTRUCTION OF FACILITIES FOR
23 THE ACCEPTANCE OR TREATMENT OF SEPTAGE COLLECTED FROM ON-SITE
24 SEPTIC SYSTEMS.

25 (E) ~~-(d)-~~ Rankings for nonpoint source projects shall be
26 consistent with the state nonpoint source management plan
27 developed pursuant to section 319 of title III of the federal

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1 water pollution control act, chapter 758, 101 Stat. 52, 33

2 U.S.C. 1329.

3 (F) ~~(e)~~ Any other criteria established by the department
4 by rule.

5 (6) The priority list shall be submitted annually to the
6 chair of the senate and house of representatives standing commit-
7 tees that primarily consider legislation pertaining to the pro-
8 tection of natural resources and the environment.

9 (7) For purposes of providing assistance, the priority list
10 shall take effect on the first day of each fiscal year.

11 (8) This section does not limit other actions undertaken to
12 enforce part 31, the federal water pollution control act, or any
13 other act.

14 (9) AS USED IN THIS SECTION, "ON-SITE SEPTIC SYSTEM" MEANS
15 THAT TERM AS DEFINED IN SECTION 5201.

16 Enacting section 1. This amendatory act does not take
17 effect unless all of the following bills of the 91st Legislature
18 are enacted into law:

19 (a) House Bill No. 4625.

20 (b) House Bill No. 5892.

21 Enacting section 2. This amendatory act does not take
22 effect unless the question provided for in the Great Lakes water
23 quality bond authorization act is approved by a majority of the
24 registered electors voting on the question at the November 2002
25 general election.