

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

**PART 88**

**WATER POLLUTION PREVENTION AND MONITORING**

**324.8801 Definitions.**

Sec. 8801. As used in this part:

- (a) "Department" means the department of environmental quality.
- (b) "Director" means the director of the department.
- (c) "Fund" means the clean water fund created in section 8807.
- (d) "Grant" means a nonpoint source pollution prevention and control grant or a wellhead protection grant under this part.
- (e) "Local unit of government" means a county, city, village, or township, or an agency of a county, city, village, or township; the office of a county drain commissioner; a soil conservation district established under part 93; a watershed council; a local health department as defined in section 1105 of the public health code, 1978 PA 368, MCL 333.1105; or an authority or any other public body created by or pursuant to state law.
- (f) "MAEAP" means the Michigan agriculture environmental assurance program as that term is defined in part 87.
- (g) "MAEAP-verified farm" means that term as it is defined in part 87.
- (h) "Nonpoint source pollution" means water pollution from diffuse sources, including runoff from precipitation or snowmelt contaminated through contact with pollutants in the soil or on other surfaces and either infiltrating into the groundwater or being discharged to surface waters, or runoff or wind causing erosion of soil into surface waters.

**History:** Add. 1998, Act 287, Eff. Dec. 1, 1998;—Am. 2011, Act 1, Imd. Eff. Mar. 9, 2011.

**Popular name:** Act 451

**Popular name:** NREPA

**324.8802 Nonpoint source pollution prevention and control grants; wellhead protection grants.**

Sec. 8802. (1) The department, in consultation with the department of agriculture and rural development, shall establish a grants program to provide grants for nonpoint source pollution prevention and control projects and wellhead protection projects. The grants program shall provide grants to local units of government or entities that are exempt from taxation under section 501(c)(3) of the internal revenue code.

(2) The nonpoint source pollution prevention and control grants issued under this part shall be provided for projects that do 1 or more of the following:

- (a) Implement the physical improvement portion of watershed plans that are approved by the department.
- (b) Reduce specific nonpoint source pollution as identified by the department.
- (c) Promote MAEAP verification.

(3) The wellhead protection grants issued under this part shall be provided for projects that are consistent with a wellhead protection plan approved by the department and that do any of the following:

- (a) Plug abandoned wells.
- (b) Provide for the purchase of land or the purchase of rights in land to protect aquifer recharge areas.
- (c) Implement the physical improvement portion of the wellhead protection plan.

(4) For any grant issued under this part, a local unit of government shall contribute at least 25% of the project's total cost from other public or private funding sources. The department may approve in-kind services to meet all or a portion of the match requirement under this subsection. In addition, the department may accept as the match requirement under this subsection a contract between the grant applicant and the department that provides for maintenance of the project or practices that are funded under terms acceptable to the department. The contract shall require maintenance of the project or practices throughout the period of time in which the state is paying off the bonds that were issued pursuant to the clean Michigan initiative act to implement this part.

(5) In issuing grants under this section, the department, in consultation with the department of agriculture and rural development, shall select projects that, to the extent practicable, provide maximum benefit to the state in protecting public health and the environment and contributing to economic development.

**History:** Add. 1998, Act 287, Eff. Dec. 1, 1998;—Am. 2011, Act 1, Imd. Eff. Mar. 9, 2011.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.8803 Grant awards; criteria for project selection.**

Sec. 8803. In selecting projects for a grant award, the department shall consider the following as they relate to a project:

- (a) The expectation for long-term water quality improvement.
- (b) The expectation for long-term protection of high quality waters.
- (c) The consistency of the project with remedial action plans and other regional water quality or watershed management plans approved by the department.
- (d) The placement of the watershed on the list of impaired waters pursuant to section 303(d) of title III of the federal water pollution control act, chapter 758, 86 Stat. 846, 33 U.S.C. 1313.
- (e) Commitments for financial and technical assistance from the partners in the project.
- (f) Financial and other resource contributions, including in-kind services, by project participants in excess of that required in section 8802(4).
- (g) The length of time the applicant has committed to maintain the physical improvements.
- (h) The commitment to provide monitoring to document improvement in water quality or the reduction of pollutant loads.
- (i) Whether the project provides benefits to sources of drinking water.
- (j) Other information the department considers relevant.

**History:** Add. 1998, Act 287, Eff. Dec. 1, 1998.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.8804 Grant applications.**

Sec. 8804. A local unit of government that wishes to apply for a grant shall submit a written grant application to the department in a manner prescribed by the department and containing the information required by the department. The grant application shall also include all of the following:

- (a) A detailed description of the project for which the grant is sought.
- (b) An explanation of how the project is consistent with an approved watershed plan, if applicable.
- (c) A description of the total cost of the project and the source of the local government's contribution to the project.

**History:** Add. 1998, Act 287, Eff. Dec. 1, 1998.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.8805 Issuance of grants.**

Sec. 8805. Upon receipt of a grant application pursuant to section 8804, the department, in consultation with the department of agriculture and rural development, shall consider the projects proposed to be funded and the extent that money is available for grants under this part, and shall issue grants for projects that the department determines will assist in the prevention or control of pollution from nonpoint sources or will provide for wellhead protection.

**History:** Add. 1998, Act 287, Eff. Dec. 1, 1998;—Am. 2011, Act 1, Imd. Eff. Mar. 9, 2011.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.8806 Administration of part.**

Sec. 8806. Grants made under this part are subject to the applicable requirements of part 196. The department, in consultation with the department of agriculture and rural development, shall administer this part in compliance with the applicable requirements of part 196, including the reporting requirements to the legislature of the grants provided under this part.

**History:** Add. 1998, Act 287, Eff. Dec. 1, 1998;—Am. 2011, Act 1, Imd. Eff. Mar. 9, 2011.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.8807 Clean water fund.**

Sec. 8807. (1) The clean water 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) Except as otherwise provided in this section, the department, in consultation with the department of agriculture and rural development, shall expend money in the fund, upon appropriation, for any of the following:

(a) To implement the programs described in the department's document entitled "A Strategic Environmental Quality Monitoring Program for Michigan's Surface Waters", dated January 1997. In implementing these programs, the department may contract with any person.

(b) Not more than \$100,000.00 of the total annual appropriations from the fund to monitor and benchmark the effectiveness of conservation practices and MAEAP standards in cooperation with participating farmers.

(c) Promotion of MAEAP and activities to encourage more MAEAP-verified farms.

(d) Water pollution control activities.

(e) Wellhead protection activities.

(f) Storm water treatment projects and activities.

(5) Money in the fund shall not be expended for combined sewer overflow corrections.

(6) Money in the fund shall not be expended until rules are promulgated under section 8808.

**History:** Add. 1998, Act 287, Eff. Dec. 1, 1998;—Am. 2011, Act 1, Imd. Eff. Mar. 9, 2011;—Am. 2015, Act 118, Eff. Oct. 1, 2015.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.8808 Rules.**

Sec. 8808. The department shall promulgate rules to implement this part including rules to establish a grant program or loan program, or both, for expenditure of money in the fund.

**History:** Add. 1998, Act 287, Eff. Dec. 1, 1998.

**Popular name:** Act 451

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**Administrative rules:** R 324.8801 et seq. and R 324.8901 et seq. of the Michigan Administrative Code.