A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5204e (MCL 324.5204e), as amended by 2017 PA 147.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 5204e. (1) In addition to other requirements of this part, the grant program shall provide grants to municipalities for sewage collection and treatment systems or stormwater or nonpoint source pollution control as provided for in this section.
(2) The grant program is subject to all of the following:

(a) The grant program shall provide grants to a municipality in accordance with the following:

(i) Subject to subparagraph (iii), for total grants of up to $1,000,000.00, not more than 90% of the costs incurred by the municipality.

(ii) Subject to subparagraph (iii), for total grants of more than $1,000,000.00, not more than 90% of the costs incurred by the municipality for up to $1,000,000.00 of the grant amount and not more than 75% of the remaining costs incurred by the municipality for the balance of the grant amount.

(iii) If any of the following conditions are met, a grant may be issued to cover 100% of the costs incurred by the municipality:

(A) The municipality is a disadvantaged community as that term is defined in section 5301.

(B) The municipality is in receivership.

(C) The municipality is operating under an emergency manager or an emergency management team appointed under state law, the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575.

(D) The municipality is operating under a consent agreement as provided under the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575.

(b) A grant may be used for 1 or more of the following purposes:

(i) Development of an asset management program for a sewage collection and treatment system or a stormwater system. For sewage collection and treatment systems, the program shall include the development of a funding structure and implementation schedule.
that provides sufficient resources to implement the program. The
municipality shall coordinate, as feasible, with other
infrastructure activities in the same geographic area. In addition,
a disadvantaged community may expend not more than $500,000.00 in
grant funds to implement projects identified in the asset
management program.

(ii) Development of management plans for the treatment of
stormwater.

(iii) Planning and design of a sewage treatment works project or
stormwater treatment project as those terms are defined in section
5301(n) or (o) or planning and design of construction activities
designed to reduce nonpoint source pollution.

(iv) Project costs of a municipality related to the testing and
demonstration of innovative wastewater and stormwater technologies
approved by the department.

(v) For projects to address a substantial public health risk
from treatment system failure, up to 50% of the project costs
related to the planning, design, and construction of a sewage
collection and treatment system. To be eligible for a grant under
this subparagraph, a municipality shall apply on or after June 1,
2016, meet criteria developed by the department, and provide a
demonstration of financial need, including an economic feasibility
study with which the department of treasury concurs. Construction
funding under this subparagraph shall not exceed
$10,000,000.00 and shall be allocated from the wetland
mitigation bank funding program authorized in section 5204f(1).

(c) The local match is not eligible for loan assistance from
the state water pollution control revolving fund or the fund.

(d) Grant funds shall not be used for general local
government administrative activities or activities performed by
municipal employees that are unrelated to the project.

(e) A municipality shall not receive more than $2,000,000.00
in grant assistance for purposes described in subsection (2)(b)(i)
to (iv) and not receive more than $2,000,000.00 in grant assistance
for the purposes described in subsection (2)(b)(v).

(3) The department shall establish an application and review
process for considering grant applications under this section. The
application shall contain the information required by the
department and the authority. Within 60 days after receipt of an
application, the department shall publish notice of the application
on the department's calendar. Within 120 days after receipt of an
administratively complete grant application, the department shall,
in writing, notify the applicant whether the application is
approved or rejected. If the department approves a grant under this
section, the department and the authority shall enter into a grant
agreement with the recipient prior to transferring funds.
The grant agreement shall contain terms established by the
department and the authority, including both of the following:

(a) A requirement that a grant recipient proceed with a
project for which grant funding is provided within 3 years after
the department approves the grant. For asset management programs
related to sewage collection and treatment systems, this includes
significant progress, as determined by the department, toward
achieving the funding structure necessary to implement the program.

(b) A requirement that the grant recipient repay the grant,
within 90 days of being informed to do so, with interest at a rate
not to exceed 8% per year, to the authority for deposit into the
fund if the applicant is unable to, or decides not to, proceed with
a construction project or begin implementation of an asset
management program for which grant funding is provided.

(4) For each year in which the department receives grant
applications under this section, the department shall report by
October 1 of that year to the standing committees of the senate and
the house of representatives with primary jurisdiction over issues
pertaining to natural resources and the environment and to the
senate and house of representatives appropriations committees on
the utilization of funds under this part that were received from
the Great Lakes water quality bond fund created in section 19706.
The report shall include, at a minimum, all of the following:

(a) The number of grant applications received under this
section.

(b) The name of each municipality applying for a grant.

(c) The type of project being funded for each grant awarded.

(d) The number of users potentially affected by each grant
awarded.

(e) The amount of the local match for each grant awarded.

(f) The individual and annual cumulative amount of grant funds
awarded, including an identification of whether each award was for
the purpose of applying for assistance from the state water
pollution control revolving fund or the fund.

Enacting section 1. This amendatory act takes effect 90 days
after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect
unless Senate Bill No.____ or House Bill No. 4751 (request no.
01329'19) of the 100th Legislature is enacted into law.