

**SUBSTITUTE FOR  
HOUSE BILL NO. 4926**

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 8807 (MCL 324.8807), as added by 1998 PA 287,  
and by adding sections 3112d and 3115b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 3112D. (1) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT  
2 A STATEWIDE MONITORING PROGRAM TO SPECIFICALLY IDENTIFY THE  
3 SOURCES AND LOCATIONS OF THE FOLLOWING DISCHARGES:

4           (A) DISCHARGES OF UNTREATED SEWAGE OR PARTIALLY TREATED  
5 SEWAGE FROM SEWER SYSTEMS ONTO LAND OR INTO THE WATERS OF THE  
6 STATE.

7           (B) DISCHARGES FROM ON-SITE DISPOSAL SYSTEMS THAT ARE NOT  
8 FUNCTIONING PROPERLY.

9           (2) IN IMPLEMENTING THE MONITORING PROGRAM UNDER  
10 SUBSECTION (1), THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

**HB4926, As Passed House, December 12, 2001**

House Bill No. 4926

2

1 (A) ASSESS THE EFFECT ON WATER QUALITY DUE TO THE IDENTIFIED  
2 DISCHARGES.

3 (B) WHEN A DISCHARGE IS IDENTIFIED UNDER THE MONITORING PRO-  
4 GRAM, CONTACT THE CITY, VILLAGE, OR TOWNSHIP AND THE COUNTY IN  
5 WHICH THE DISCHARGE OCCURRED AND PROVIDE THE SOURCE AND LOCATION  
6 OF THE DISCHARGE AND THE DEPARTMENT'S ASSESSMENT OF THE EFFECT ON  
7 WATER QUALITY DUE TO THE DISCHARGE.

8 (C) POST THE FINDINGS OF THE MONITORING PROGRAM, INCLUDING  
9 THE SOURCES AND LOCATIONS OF THE DISCHARGES AND THE DEPARTMENT'S  
10 ASSESSMENT OF THE EFFECT ON WATER QUALITY DUE TO THE DISCHARGES,  
11 ON THE DEPARTMENT'S WEBSITE.

12 (D) ANNUALLY PROVIDE THE FINDINGS OF THE MONITORING PROGRAM,  
13 INCLUDING THE SOURCES AND LOCATIONS OF THE DISCHARGES AND THE  
14 DEPARTMENT'S ASSESSMENT OF THE EFFECT ON WATER QUALITY DUE TO THE  
15 DISCHARGES, TO THE SENATE AND HOUSE APPROPRIATIONS COMMITTEES AND  
16 TO THE STANDING COMMITTEES OF THE LEGISLATURE WITH JURISDICTION  
17 OVER NATURAL RESOURCES AND THE ENVIRONMENT.

18 (3) THE DEPARTMENT SHALL REVIEW AND EVALUATE THE MONITORING  
19 PROGRAM DEVELOPED AND IMPLEMENTED UNDER THIS SECTION AT LEAST  
20 EVERY 3 YEARS. IF THE DEPARTMENT DETERMINES THAT CHANGES SHOULD  
21 BE MADE TO THE MONITORING PROGRAM TO IMPROVE ITS EFFECTIVENESS,  
22 THE DEPARTMENT SHALL IMPLEMENT THOSE CHANGES.

23 (4) AS USED IN THIS SECTION, "PARTIALLY TREATED SEWAGE" AND  
24 "SEWER SYSTEM" MEAN THOSE TERMS AS THEY ARE DEFINED IN  
25 SECTION 3112A.

26 SEC. 3115B. ALL CIVIL FINES COLLECTED UNDER THIS PART  
27 RELATED TO THE DISCHARGE OF SEWAGE OR PARTIALLY TREATED SEWAGE

**HB4926, As Passed House, December 12, 2001**

House Bill No. 4926

3

1 INTO THE WATERS OF THIS STATE SHALL BE FORWARDED TO THE STATE  
2 TREASURER FOR DEPOSIT INTO THE STATE WATER POLLUTION CONTROL  
3 REVOLVING FUND ESTABLISHED UNDER SECTION 16A OF THE SHARED CREDIT  
4 RATING ACT, 1985 PA 227, MCL 141.1066A.

5       Sec. 8807. (1) The clean water fund is created within the  
6 state treasury.

7       (2) The state treasurer may receive money or other assets  
8 from any source for deposit into the fund. The state treasurer  
9 shall direct the investment of the fund. The state treasurer  
10 shall credit to the fund interest and earnings from fund  
11 investments.

12       (3) Money in the fund at the close of the fiscal year shall  
13 remain in the fund and shall not lapse to the general fund.

14       (4) Except as otherwise provided in this section, the  
15 department shall expend money in the fund, upon appropriation,  
16 for ~~any of~~ the following:

17       (A) TO IMPLEMENT THE STATEWIDE MONITORING PROGRAM DEVELOPED  
18 UNDER SECTION 3112D.

19       (B) ~~(a)~~ To implement the programs described in the  
20 department's document entitled "A strategic environmental quality  
21 monitoring program for Michigan's surface waters", dated January  
22 1997. THE DEPARTMENT SHALL EVALUATE AND UPDATE THIS DOCUMENT ON  
23 THE SAME SCHEDULE THAT IT EVALUATES THE STATEWIDE MONITORING PRO-  
24 GRAM AS PROVIDED IN SECTION 3112D(3). In implementing ~~these~~ THE  
25 programs DESCRIBED IN THIS DOCUMENT OR IN ANY UPDATED VERSION OF  
26 THIS DOCUMENT, the department may contract with any person.

**HB4926, As Passed House, December 12, 2001**

House Bill No. 4926

4

- 1 (C) ~~(b)~~ Water pollution control activities.
- 2 (D) ~~(c)~~ Wellhead protection activities.
- 3 (E) ~~(d)~~ Storm water treatment projects and activities.
- 4 (5) Money in the fund shall not be expended for combined  
5 sewer overflow corrections.
- 6 (6) The first priority for expenditure of money in the fund  
7 shall be for the programs described in subsection (4)(a) AND  
8 (B). HOWEVER, NOT MORE THAN \$15,000,000.00 SHALL BE EXPENDED  
9 FROM THE FUND FOR THE PURPOSE OF IMPLEMENTING THE PROGRAMS  
10 DESCRIBED IN SUBSECTION (4)(B).
- 11 ~~(7) Money in the fund shall not be expended until rules are~~  
12 ~~promulgated under section 8808.~~