

# HOUSE BILL No. 5923

September 21, 2016, Introduced by Reps. Forlini and Lucido and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3103 (MCL 324.3103), as amended by 2005 PA 33, and by adding section 3112d.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 3103. (1) The department shall protect and conserve the  
2 water resources of ~~the~~**THIS** state and shall have control of the  
3 pollution of surface or underground waters of ~~the~~**THIS** state and  
4 the Great Lakes, which are or may be affected by waste disposal of  
5 any person. The department may make or cause to be made surveys,  
6 studies, and investigations of the uses of waters of the state,  
7 both surface and underground, and cooperate with other governments  
8 and governmental units and agencies in making the surveys, studies,

1 and investigations. The department shall assist in an advisory  
2 capacity a flood control district that may be authorized by the  
3 legislature. The department, in the public interest, shall appear  
4 and present evidence, reports, and other testimony during the  
5 hearings involving the creation and organization of flood control  
6 districts. The department shall advise and consult with the  
7 legislature on the obligation of ~~the~~**THIS** state to participate in  
8 the costs of construction and maintenance as provided for in the  
9 official plans of a flood control district or intercounty drainage  
10 district.

11 (2) The department shall enforce this part and may promulgate  
12 rules as it considers necessary to carry out its duties under this  
13 part. However, notwithstanding any rule-promulgation authority that  
14 is provided in this part, except for rules authorized under ~~section~~  
15 **SECTIONS 3112(6) AND 3112D**, the department shall not promulgate any  
16 additional rules under this part after December 31, 2006.

17 (3) The department may promulgate rules and take other actions  
18 as may be necessary to comply with the federal water pollution  
19 control act, 33 USC 1251 to ~~1387,~~**1376**, and to expend funds  
20 available under ~~such~~**THAT** law for extension or improvement of the  
21 state or interstate program for prevention and control of water  
22 pollution. This part ~~shall not be construed as authorizing~~**DOES NOT**  
23 **AUTHORIZE** the department to expend or to incur any obligation to  
24 expend any state funds for such purpose in excess of any amount  
25 that is appropriated by the legislature.

26 (4) Notwithstanding the limitations on rule promulgation under  
27 subsection (2), rules promulgated under this part before January 1,

1 2007 shall remain in effect unless rescinded.

2 SEC. 3112D. (1) AN ENTITY RESPONSIBLE FOR A DISCHARGE OF  
3 UNTREATED OR PARTIALLY TREATED SEWAGE FROM A SEWER SYSTEM INTO THE  
4 WATERS OF THIS STATE DURING 2017 OR ANY SUBSEQUENT YEAR, AS  
5 INDICATED BY THE LIST MAINTAINED BY THE DEPARTMENT UNDER SECTION  
6 3112C, SHALL, BY FEBRUARY 1 OF THE FOLLOWING YEAR, MAKE A PAYMENT  
7 TO THE DEPARTMENT. THE AMOUNT OF THE PAYMENT SHALL BE CALCULATED BY  
8 MULTIPLYING THE VOLUME OF THE DISCHARGES BY AN AMOUNT EQUAL TO 5  
9 TIMES THE HIGHEST FEE CHARGED BY THE ENTITY FOR TREATING SEWAGE  
10 DURING THE CALENDAR YEAR OF THE DISCHARGES. THE DEPARTMENT SHALL  
11 DEPOSIT THE PAYMENT IN THE SEWAGE OVERFLOW CLEANUP FUND CREATED  
12 UNDER SUBSECTION (4).

13 (2) THE DEPARTMENT MAY REQUEST THE ATTORNEY GENERAL TO  
14 COMMENCE AN ACTION TO RECOVER A PAYMENT DUE UNDER SUBSECTION (1).

15 (3) A PAYMENT UNDER SUBSECTION (1) IS IN ADDITION TO ANY FINE  
16 IMPOSED UNDER THIS PART.

17 (4) THE SEWAGE OVERFLOW CLEANUP FUND IS CREATED WITHIN THE  
18 STATE TREASURY. THE STATE TREASURER MAY RECEIVE MONEY OR OTHER  
19 ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE  
20 TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE  
21 TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND  
22 INVESTMENTS. MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR  
23 SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

24 (5) THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR  
25 AUDITING PURPOSES. THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND,  
26 UPON APPROPRIATION, ONLY FOR GRANTS TO LOCAL UNITS OF GOVERNMENT  
27 WHOSE JURISDICTION INCLUDES OR ADJOINS SURFACE WATERS THAT MAY HAVE

1 BEEN AFFECTED BY A DISCHARGE SUBJECT TO SUBSECTION (1). THE GRANTS  
2 SHALL BE USED FOR THE PURPOSE OF CLEANING UP MATERIALS CONTAMINATED  
3 BY POLLUTANTS WITH HUMAN DNA MARKERS.

4 (6) THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

5 (A) PROMULGATE RULES NECESSARY TO IMPLEMENT THE GRANT PROGRAM  
6 PROVIDED IN THIS SECTION.

7 (B) PUBLICIZE THE AVAILABILITY OF GRANTS UNDER THIS SECTION IN  
8 A MANNER CALCULATED TO GIVE NOTICE TO LOCAL UNITS OF GOVERNMENT  
9 LIKELY TO BE INTERESTED IN THE GRANTS.

10 (C) PROVIDE INFORMATION REGARDING GRANTS AVAILABLE UNDER THIS  
11 PART AND APPLICATION FORMS FOR GRANTS UPON REQUEST.

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