

**SB 108, As Passed Senate, March 13, 2001**

**SUBSTITUTE FOR  
SENATE BILL NO. 108**

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 section 3112d.

**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 SUBSECTION  
10 (1), THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

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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. 8807. (1) The clean water fund is created within the  
27 state treasury.

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1 (2) The state treasurer may receive money or other assets  
2 from any source for deposit into the fund. The state treasurer  
3 shall direct the investment of the fund. The state treasurer  
4 shall credit to the fund interest and earnings from fund  
5 investments.

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

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

11 (A) TO IMPLEMENT THE STATEWIDE MONITORING PROGRAM DEVELOPED  
12 UNDER SECTION 3112D.

13 (B) ~~(a)~~ To implement the programs described in the  
14 department's document entitled "A strategic environmental quality  
15 monitoring program for Michigan's surface waters", dated January  
16 1997. THE DEPARTMENT SHALL EVALUATE AND UPDATE THIS DOCUMENT ON  
17 THE SAME SCHEDULE THAT IT EVALUATES THE STATEWIDE MONITORING PRO-  
18 GRAM AS PROVIDED IN SECTION 3112D(3). In implementing ~~these~~ THE  
19 programs DESCRIBED IN THIS DOCUMENT OR IN ANY UPDATED VERSION OF  
20 THIS DOCUMENT, the department may contract with any person.

21 (C) ~~(b)~~ Water pollution control activities.

22 (D) ~~(c)~~ Wellhead protection activities.

23 (E) ~~(d)~~ Storm water treatment projects and activities.

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

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1 (6) The first priority for expenditure of money in the fund  
2 shall be for the programs described in subsection (4)(a) AND  
3 (B).

4 ~~(7) Money in the fund shall not be expended until rules are~~  
5 ~~promulgated under section 8808.~~