

SENATE BILL No. 375

March 29, 2001, Introduced by Senators SIKKEMA, HAMMERSTROM, DUNASKISS, JOHNSON and JAYE and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5311 (MCL 324.5311) and by adding section 3106b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3106B. (1) BEGINNING ON THE EFFECTIVE DATE OF THIS
2 SECTION, IF THE DEPARTMENT ISSUES A PERMIT UNDER THIS PART THAT
3 AUTHORIZES THE DISCHARGE OF ANY SUBSTANCE THAT MAY AFFECT THE
4 QUALITY OF THE WATERS OF THE STATE, THE DEPARTMENT SHALL REQUIRE,
5 AS A CONDITION OF THE PERMIT, THAT THE PERMITTEE MONITOR THE
6 DISCHARGE'S EFFECT ON WATER QUALITY. THE MONITORING SHALL BE
7 CONDUCTED IN THE MANNER REQUIRED BY THE DEPARTMENT.

8 (2) IF THE DEPARTMENT, OR THE ATTORNEY GENERAL ON BEHALF OF
9 THE DEPARTMENT, ENTERS INTO A CONSENT DECREE OR OTHER AGREEMENT
10 TO SETTLE AN ENFORCEMENT ACTION FOR A VIOLATION OF THIS PART, THE

1 DEPARTMENT OR THE ATTORNEY GENERAL SHALL REQUIRE IN THAT CONSENT
2 DECREE OR SETTLEMENT AGREEMENT THAT THE PERSON RESPONSIBLE FOR
3 THE VIOLATION MONITOR THE WATER QUALITY OF THE WATERS AFFECTED BY
4 THE VIOLATION.

5 Sec. 5311. (1) The department shall review a complete
6 application for assistance for a project in the fundable range.
7 If the department approves the application for assistance, the
8 department shall issue, subject to section 5310, an order of
9 approval to establish the specific terms of the assistance. The
10 order of approval shall include, but not be limited to, all of
11 the following:

12 (a) The term of the assistance.

13 (b) The maximum principal amount of the assistance.

14 (c) The maximum rate of interest or method of calculation of
15 the rate of interest that will be used, or the premium charged.

16 (D) A REQUIREMENT THAT THE RECIPIENT OF THE ASSISTANCE MONI-
17 TOR THE WATER QUALITY OF THE WATERS AFFECTED BY DISCHARGES FROM
18 THE FACILITY OR PROJECT RECEIVING THE ASSISTANCE. IF THE FACIL-
19 ITY OR PROJECT RECEIVING THE ASSISTANCE IS SUBJECT TO A PERMIT
20 THAT REQUIRES MONITORING UNDER SECTION 3106B, THE MONITORING
21 REQUIRED BY THAT PERMIT SATISFIES THE REQUIREMENT OF THIS
22 SUBDIVISION.

23 (2) The order of approval shall incorporate all require-
24 ments, provisions, or information included in the application and
25 other documents submitted to the department during the applica-
26 tion process.

1 (3) After issuance of the order OF APPROVAL, the department
2 shall certify to the authority that the municipality is eligible
3 to receive assistance.

4 (4) Within each annual funding cycle, the method of estab-
5 lishing the interest rate applicable to a loan or project refi-
6 nancing assistance shall be applied equally within tier I and
7 tier II projects to all municipalities receiving such
8 assistance.

9 (5) The method of establishing interest rates may provide
10 for a different level of subsidy for tier I projects than for
11 tier II projects.