

SENATE BILL No. 1205

March 14, 2002, Introduced by Senators HAMMERSTROM, SIKKEMA, JOHNSON, BULLARD, GARCIA and STILLE 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 5303 (MCL 324.5303), as amended by 2001
PA 221.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5303. (1) Municipalities shall consider and utilize,
2 where possible, cooperative regional or intermunicipal projects
3 in satisfying sewerage needs in the development of project
4 plans.

5 (2) A municipality may submit a project plan for use by the
6 department in developing a priority list.

7 (3) The project plan for a tier I project shall include doc-
8 umentation that demonstrates that the project is needed to assure
9 maintenance of, or to progress toward, compliance with the
10 federal water pollution control act or part 31, and to meet the

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1 minimum requirements of the national environmental policy act of
2 1969, Public Law 91-190, 42 U.S.C. 4321, 4331 to 4335, and 4341
3 to 4347. The documentation shall demonstrate all of the
4 following:

5 (a) The need for the project.

6 (b) That feasible alternatives to the project were evaluated
7 taking into consideration the demographic, topographic, hydro-
8 logic, and institutional characteristics of the area.

9 (c) That the project is cost effective and implementable
10 from a legal, institutional, financial, and management
11 standpoint.

12 (d) Other information as required by the department.

13 (4) The project plan for a tier II project shall include
14 documentation that demonstrates that the project is or was needed
15 to assure maintenance of or progress towards compliance with the
16 federal water pollution control act or part 31, and is consistent
17 with all applicable state environmental laws. The documentation
18 shall include all of the following information:

19 (a) Information to demonstrate the need for the project.

20 (b) A showing that the cost of the project is or was justi-
21 fied, taking into account available alternatives. Those costs
22 determined by the department to be in excess of those costs jus-
23 tified will not be eligible for assistance under this part.

24 (5) After notice and an opportunity for public comment, the
25 department shall annually develop a priority list for sewage
26 treatment works projects and stormwater treatment projects and a
27 separate priority list for nonpoint source projects. Projects

1 not funded during the time that a priority list developed under
2 this section is in effect shall be automatically prioritized on
3 the next annual list using the same criteria, unless the munici-
4 pality submits an amendment to its plan that introduces new
5 information to be used as the basis for prioritization. These
6 priority lists shall be based upon project plans submitted by
7 municipalities, and the following criteria:

8 (a) That a project complies with all applicable standards in
9 part 31 and the federal water pollution control act.

10 (b) An application for a segment of a project that received
11 funds under the title II construction grant program or title VI
12 state revolving loan funds of the federal water pollution control
13 act shall be first priority for funding for a period of not more
14 than 3 years after funds were first committed under those
15 programs.

16 (c) If the project is a sewage treatment works project or a
17 stormwater treatment project, all of the following criteria:

18 (i) The severity of the water pollution problem to be
19 addressed, maximizing progress towards restoring beneficial uses
20 and meeting water quality standards.

21 (ii) ~~A determination of whether a~~ WHETHER THE project is
22 or was necessary to comply with an order, permit, or other docu-
23 ment with an enforceable schedule for addressing a municipality's
24 sewage-related water pollution problems that was issued by the
25 department or entered as part of an action brought by the state
26 against the municipality or any component of the municipality. A
27 municipality may voluntarily agree to an order, permit, or other

1 document with an enforceable schedule as described in this
2 subparagraph.

3 (iii) The population to be served by the project.

4 (iv) The dilution ratio existing between the discharge
5 volume and the receiving stream.

6 (v) WHETHER THE PROJECT WILL SERVE THE NEEDS OF MORE THAN 1
7 MUNICIPALITY OR WILL PROVIDE FOR THE COORDINATION OF SEWAGE OR
8 STORMWATER SYSTEM INFRASTRUCTURE AMONG 2 OR MORE MUNICIPALITIES
9 IN THE SAME WATERSHED.

10 (vi) WHETHER THE MUNICIPALITY HAS SUBMITTED, AS PART OF ITS
11 PROJECT PLAN, A GROWTH MANAGEMENT PLAN FOR THE SEWAGE OR STORM-
12 WATER SYSTEM AFFECTED BY THE PROJECT. A GROWTH MANAGEMENT PLAN
13 FOR A SEWAGE OR STORMWATER SYSTEM SHALL PROJECT AND PLAN FOR THE
14 CAPACITY NEEDS OF THE SYSTEM OVER A 20-YEAR PERIOD. A GROWTH
15 MANAGEMENT PLAN SHALL BE UPDATED EVERY 5 YEARS.

16 (d) Rankings for nonpoint source projects shall be consis-
17 tent with the state nonpoint source management plan developed
18 pursuant to section 319 of title III of the federal water pollu-
19 tion control act, chapter 758, 101 Stat. 52, 33 U.S.C. 1329.

20 (e) Any other criteria established by the department by
21 rule.

22 (6) The priority list shall be submitted annually to the
23 chair of the senate and house of representatives standing commit-
24 tees that primarily consider legislation pertaining to the pro-
25 tection of natural resources and the environment.

26 (7) For purposes of providing assistance, the priority list
27 shall take effect on the first day of each fiscal year.

1 (8) This section does not limit other actions undertaken to
2 enforce part 31, the federal water pollution control act, or any
3 other act.