

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

***** 324.19608b.added THIS ADDED SECTION IS EFFECTIVE APRIL 5, 2017 *****

324.19608b.added Grants and loans under MCL 324.19608(1)(a)(iv); conditions.

Sec. 19608b. With respect to the grants and loans under section 19608(1)(a)(iv), all of the following conditions apply:

- (a) An applicant must be a local unit of government.
- (b) A recipient is not eligible to receive more than the following:
 - (i) Except as provided in subparagraphs (iii) and (iv), 1 grant per year, not to exceed \$1,000,000.00 per grant.
 - (ii) Except as provided in subparagraphs (iii) and (iv), 1 loan per year, not to exceed \$1,000,000.00 per loan.
 - (iii) Brownfield projects that have significant economic and environmental benefit may be considered for more than 1 grant or loan over consecutive years, provided that the loan or grant agreement includes project-specific benchmarks for eligible activities and failure to satisfy a benchmark would terminate the project's eligibility for additional grant or loan funding, as applicable.
 - (iv) A local unit of government may be considered for and awarded more than 1 grant or loan in a single year relating to multiple unrelated brownfield projects if the projects are determined to have significant environmental or economic benefits to the recipient's municipality or region.
- (c) Except for a grant described in section 19608a(2), the department may award a grant only if it determines that both of the following apply:
 - (i) The property is an eligible property.
 - (ii) The proposed development of the property is expected to result in measurable economic benefit in excess of the grant amount requested by the applicant.
- (d) The department may award a loan only if it determines that both of the following apply:
 - (i) The property is known or suspected to be an eligible property.
 - (ii) The property has economic development potential based on the applicant's planned use of the property.
- (e) The department may approve funding for response activities that are more protective of the public health, safety, and welfare and the environment than required by section 20107a or 21304c if those activities provide public health or environmental benefit. In its review of a work plan that includes activities that are more protective of the public health, safety, and welfare and the environment, the department may consider, but is not limited to, all of the following:
 - (i) Proposed new land use and reliability of restrictions to prevent exposure to contamination.
 - (ii) Cost of implementation activities minimally necessary to satisfy due care requirements, the incremental cost of response activities relative to the cost of activities minimally necessary to satisfy due care requirements, and the total cost of all response activities.
 - (iii) Long-term obligations associated with leaving contamination in place and the value of reducing or eliminating these obligations.
- (f) A grant or loan shall not be used to fund response activities that benefit a party that is responsible for an activity causing a release at the eligible property, except that a loan may be used to fund appropriate response activities related to redevelopment and due care activities necessary to facilitate redevelopment of the property if the party that is responsible for an activity causing a release at the eligible property meets all of the following:
 - (i) Is a local unit of government.
 - (ii) Has a proposed redevelopment for the property with measurable economic benefit.
 - (iii) Provides a minimum of 50% local matching funds for the project.
- (g) A grant or loan may be used to fund due care activities necessary to facilitate redevelopment if the party responsible for an activity causing a release is not the developer of proposed redevelopment.
- (h) A loan may be used to fund response activities if both of the following are met:
 - (i) A party responsible for an activity causing a release is neither the seller nor the developer of the property to receive funding.
 - (ii) The recipient can show that response activities are appropriate in relation to the redevelopment.

History: Add. 2016, Act 473, Eff. Apr. 5, 2017.