

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

324.8716 Freshwater protection fund.

Sec. 8716.

- (1) The freshwater protection fund is created within the state treasury.
- (2) The state treasurer may receive money or other assets from any source for deposit into the fund, including general fund general purpose appropriations, gifts, grants, and bequests. The director shall annually seek matching general fund general purpose appropriations in amounts equal to the water quality protection fees collected under section 8715 that are deposited into the fund under this part. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.
- (3) Money in the fund at the close of the fiscal year remains in the fund and does not lapse to the general fund.
- (4) The department is the administrator of the fund for auditing purposes.
- (5) The department shall expend money from the fund, upon appropriation, only for 1 or more of the following purposes:
 - (a) Direct assistance.
 - (b) Indirect assistance.
 - (c) Emergency response and removal of potential sources of water contamination. Expenditures under this subdivision must not exceed \$15,000.00 per location.
 - (d) Natural resources protection.
 - (e) Administrative costs. Expenditures under this subdivision must not exceed 20% of the annual appropriations from the fund.
- (6) The department shall establish criteria and procedures for approving proposed expenditures from the fund.
- (7) Notwithstanding section 8715, if at the close of any fiscal year the amount of money in the fund exceeds \$5,000,000.00, the department shall not collect water quality protection fees for the following year. After the water quality protection fees have been suspended under this subsection, the fees must only be reinstated if, at the close of any succeeding fiscal year, the amount of money in the fund is less than \$2,000,000.00.
- (8) The department of treasury shall, before November 1 of each year, notify the department of the balance in the fund at the close of the preceding fiscal year.
- (9) As used in this section:
 - (a) "Administrative costs" includes, but is not limited to, costs incurred during any of the following:
 - (i) Groundwater monitoring for pesticides and fertilizers.
 - (ii) Development and enforcement of natural resources protection rules.
 - (iii) Coordination of programs under this part with the United States Environmental Protection Agency and other state programs with environmental protection responsibilities.
 - (iv) Coordination of programs under this part with the United States Department of Agriculture Natural Resources Conservation Service and state programs with nonpoint source pollution prevention and conservation practice responsibilities.
 - (v) Management of pesticide sales information.
 - (b) "Direct assistance" includes, but is not limited to, programs that will provide for any of the following:
 - (i) Provision of alternate noncommunity water supplies.
 - (ii) Closure of wells that may impact groundwater, such as abandoned, improperly constructed, or drainage wells.
 - (iii) The environmentally sound disposal or recycling of pesticide containers.
 - (iv) Pesticide disposal programs.
 - (v) Programs devoted to integrated natural resources conservation that encourage the judicious use of pesticides and fertilizers and other agricultural inputs and practices that are protective of water quality through targeted systems approach to management decisions.
 - (vi) Incentive and cost share programs to assist farmers in achieving MAEAP standards.
 - (vii) Incentive and cost share programs for MAEAP-verified farms with potential sources of contamination on their property.
 - (viii) Monitoring of private well water for pesticides, fertilizers, and other contaminants.
 - (ix) Removal of soils and waters contaminated by pesticides and fertilizers and the land application of those materials at agronomic rates.
 - (x) MAEAP grants under section 8710.
 - (xi) Programs that enhance investment of private and federal funds in conservation.
 - (xii) Verification.
 - (xiii) Other programs established under this part.

- (c) "Indirect assistance" includes, but is not limited to, programs that will provide for any of the following:
- (i) Public education and demonstration programs on pesticide container recycling and environmentally sound disposal methods.
 - (ii) Educational programs.
 - (iii) Technical assistance programs.
 - (iv) The promotion and implementation of on-site evaluation systems, conservation practices, and the MAEAP.
 - (v) Research programs.

History: 1994, Act 451, Eff. Mar. 30, 1995 ;-- Am. 2003, Act 163, Imd. Eff. Aug. 12, 2003 ;-- Am. 2007, Act 174, Imd. Eff. Dec. 21, 2007 ;-- Am. 2011, Act 2, Imd. Eff. Mar. 9, 2011 ;-- Am. 2015, Act 118, Eff. Oct. 1, 2015 ;-- Am. 2021, Act 123, Imd. Eff. Dec. 17, 2021

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