

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

SURFACE WATER QUALITY DIVISION

CLEAN WATER FUND

(By authority conferred on the department of environmental quality by section 8808 of 1994 PA 451, MCL 324.8808)

R 324.8901 Purpose.

Rule 1. These rules govern the establishment of contracts for the expenditure of money in the clean water fund to implement the programs described in the department's document entitled "A Strategic Environmental Quality Monitoring Program for Michigan's Surface Waters," dated January 1997; for water pollution control activities; for wellhead protection activities; for storm water treatment projects and activities; and to serve the purpose of section 8808 of 1994 PA 451, MCL 324.8808.

History: 2000 AACCS.

R 324.8902 Definitions; A to C.

Rule 2. As used in these rules:

(a) "Abandoned well" means any of the following which presents a threat to the groundwater resource and which no longer serves the purpose for which it was intended or has been taken out of service:

- (i) A water well.
- (ii) A monitoring well.
- (iii) A drainage well.
- (iv) A recharge well.
- (v) A test well.
- (vi) Other unplugged borings.

(b) "Abandoned well management grant" means a grant to protect community public water supplies by plugging abandoned wells within wellhead protection areas.

(c) "Abandoned well management team" means the wellhead protection team established under R 325.12804 or a team comprised of not less than 3 persons which includes a representative of the community public water supply, a representative of the municipality, village or township, and at least 1 of the following local entities:

- (i) County or district health department.
- (ii) Fire department.
- (iii) Business and industry.
- (iv) Agricultural sector.
- (v) Educational institution.
- (vi) Planning or zoning officials.
- (vii) Environmental groups.
- (viii) The general public.

(ix) A representative of an adjoining community into which the wellhead protection area extends.

(d) "Applicant" means a nonprofit entity or local unit of government applying for grant funds awarded through the RFP process.

(e) "Approved watershed management plan" means either of the following:

(i) A watershed management plan that meets the criteria established in R 324.8913 and is approved by the department.

(ii) LaMPs and RAPs.

(f) "Best management practices" means structural, vegetative, or managerial practices that reduce or prevent the detachment, transport, and delivery of pollutants to surface waters or groundwater.

(g) "Clean water fund" or "fund" means the fund created in section 8807 of 1994 PA 451, MCL 324.8807.

(h) "Community public water supply" means a community supply as defined in section 2 of 1976 PA 399, MCL 325.1002.

(i) "Conservation reserve program (CRP)" means the program authorized by the food security act of 1985, as amended, P.L. 99-198, as amended, 7 U.S.C. 1281 et seq., administered by the United States department of agriculture farm service agency, under which the commodity credit corporation will enter into contracts with eligible participants to convert eligible agricultural land to a conserving use for a period of time of not less than 10 years nor more than 15 years in return for financial and technical assistance.

(j) "Conservation reserve enhancement program" means the program authorized under the food security act of 1985, as amended, P.L. 99-198, as amended, 7 U.S.C. 1281 et seq., under which a state may enter into agreement with the commodity credit corporation, to use the CRP to promote specific agricultural conservation and environmental objectives of Michigan and the nation.

(k) "Contract" means a legally binding agreement between the department and another entity, public or private, that establishes the terms and conditions of the work to be conducted, or the goods or services to be provided, whether acquired through a grant or through procurement.

(l) "Connecting waters" means any of the following:

(i) The St. Marys River.

(ii) The Keweenaw Waterway.

(iii) The Detroit River.

(iv) The St. Clair River.

(v) Lake St. Clair.

History: 2000 AACCS.

R 324.8903 Definitions; D to G.

Rule 3. As used in these rules:

(a) "Department" means the director of the department of environmental quality or his or her designee to whom the director delegates a power or duty by written instrument.

(b) "Designated uses" means a use of the waters of the state as established by part 4 of 1994 PA 451, MCL 323.1041 et seq., including use for any of the following:

- (i) Industrial, agricultural, and public water supply.
- (ii) Recreation.
- (iii) Warmwater and coldwater fisheries, other aquatic life and wildlife.
- (iv) Navigation.
- (c) "Detroit consumer price index" means the most comprehensive index of consumer prices available for the Detroit area from the United States department of labor, bureau of labor statistics.
- (d) "For-profit entity" means any entity that is subject to taxation in accordance with the internal revenue code.
- (e) "Grant" means a grant awarded through the RFP process and funded by the clean water fund, being either an abandoned well management grant or a surface water grant.
- (f) "Grantee" means the recipient of a grant.
- (g) "Groundwater" means water beneath the surface of the earth that saturates the pore spaces associated with sand and gravel, rock fractures, and other subsurface geologic material.

History: 2000 AACCS.

R 324.8904 Definitions; H to N.

Rule 4. As used in these rules:

- (a) "High quality waters" means any of the following:
 - (i) Wild and scenic rivers designated under the federal wild and scenic rivers act of 1991, Public Law 102-249, 16 U.S.C. 1271 et seq.
 - (ii) River reaches designated under part 305 of Act No. 451 of the Public Acts of 1994, as amended, MCL 324.30501 et seq.
 - (iii) All inland lakes identified in the publication entitled, "Coldwater Lakes of Michigan," as published in August 1976 by the department of natural resources, under the authority of part 411 of 1994 PA 451, MCL 324.41101 et seq., and which are designated for, and protected as, coldwater fisheries.
 - (iv) All lakes which have public access, which are greater than or equal to 40 acres in size, which are identified in the publication entitled, "Designated Trout Lakes and Regulations," dated September 10, 1998, by the director of the department of natural resources under the authority of part 411 of 1994 PA 451, MCL 324.41101 et seq., and which are designated, and protected as, coldwater fisheries.
 - (v) All streams identified in the publication entitled, "Designated Trout Streams for the State of Michigan," director's order no. DFI-101.97, by the director of the department of natural resources under the authority of section 48701(m) of 1994 PA 451, MCL 324.48701(m), and which are designated for, and protected as, coldwater fisheries.
 - (vi) Great lakes and connecting waters.
 - (vii) Other waterbodies that the applicant can demonstrate to the department contain an abundance, diversity and widespread distribution of members from each of the order plecoptera (stoneflies), ephemeroptera (mayflies), and trichoptera (caddisflies), which are indicators of high quality waters.
- (b) "In-kind services" means direct services which are related to the project and which are provided by the applicant or its partner, including any of the following:
 - (i) Salaries and wages of project staff and others working on the project.

- (ii) Time donated to the project, including media time related to the project.
- (iii) Cost of rental or purchase of equipment, materials, or supplies.
- (iv) Costs of collecting and analyzing water samples to document improvement in water quality.
- (v) Costs of installing best management practices or materials donated for the implementation of best management practices.
- (vi) Other resources acceptable to the department.
- (c) "LaMP" means a lakewide management plan developed under the Great Lakes water quality agreement between Canada and the United States, as amended in 1987.
- (d) "Local unit of government" means any of the following entities:
 - (i) A county, city, village, or township or an agency of a county, city, village, or township.
 - (ii) The office of a county drain commissioner.
 - (iii) A soil conservation district established under part 93, entitled "Soil Conservation Districts," of 1994 PA 451, MCL 324.9301 et seq.
 - (iv) A watershed council.
 - (v) A local health department as defined in section 1105 of 1978 PA 368, MCL 333.1105.
 - (vi) An authority or any other public body created by or under state law.
- (e) "Low tritium public water supply" means a community supply that has had its well water sampled for tritium and had sample results of not more than 1.0 tritium unit.
- (f) "Maintenance contract" means a contract for the long-term maintenance of best management practices.
- (g) "Match" means that portion of the total project cost that is to be provided by the applicant or its partners from public or private funding sources other than clean Michigan initiative funds and federal clean water act funds awarded as grants by the state.
- (h) "Monitoring activity or activities" means any activity or activities carried out to implement the surface water monitoring strategy or provide data to demonstrate water quality improvements as part of the clean water fund grant activities in R 324.8907(1)(c) to (h), including any of the following:
 - (i) Measuring the chemical character of surface waters of the state, including sediments, fish and wildlife, and measuring stream flow.
 - (ii) Monitoring the health and condition of associated aquatic communities and physical habitats of surface waters of the state.
 - (iii) Analyzing and reporting any associated environmental data.
- (i) "Nonprofit entity" means an entity that is exempt from taxation under section 501(c)(3) of the internal revenue code.
- (10) "NPDES" means the national pollutant discharge elimination system.

History: 2000 AACs.

R 324.8905 Definitions; P to S.

Rule 5. As used in these rules:

- (a) "Partner" means any individual or entity that participates in a project.

(b) "Procurement" means the acquisition of goods, services, or both by the department in accordance with procurement guidelines established by the state of Michigan, department of management and budget, and the office of purchasing.

(c) "Project" means work carried out under a grant.

(d) "QAPP" means a quality assurance project plan, which provides a framework for how environmental data will be collected to achieve specific project objectives, and which describes the procedures that will be implemented to obtain data of known and adequate quality.

(e) "RAP" means a remedial action plan developed under the Great Lakes water quality agreement between Canada and the United States, as amended in 1987.

(f) "Request for proposals" or "RFP" means the process used by the department to solicit proposals for grant funding and the document issued in conjunction with the process.

(g) "Site" is a defined area of land that constitutes a viable management unit.

(h) "Site plan" is an overall view of the site and includes all of the following:

(i) The construction proposed.

(ii) The best management practices proposed.

(iii) Existing structures and natural features.

(i) "The surface water monitoring strategy" means the report entitled "A Strategic Environmental Quality Monitoring Program for Michigan's Surface Waters", (January 1997), as prepared by the department.

(j) "Surface waters of the state" means all of the following, but does not include drainageways and ponds used solely for wastewater conveyance, treatment, or control:

(i) The Great Lakes and their connecting waters.

(ii) All inland lakes.

(iii) Rivers.

(iv) Streams.

(v) Impoundments.

(vi) Open drains.

(vii) Other surface bodies of water within the confines of the state.

(k) "Surface water grant" means a grant to protect or improve surface waters of the state.

History: 2000 AACCS.

R 324.8906 Definitions; U to Z.

Rule 6. As used in these rules:

(a) "USDA" means the United States department of agriculture.

(b) "US EPA" means the United States environmental protection agency.

(c) "Vendor" means the recipient of funds made available by the department through procurement

(d) "Water quality standards" means the part 4 water quality standards developed under part 31 of 1994 PA 451, MCL 324.3101 to 324.3119.

(e) "Watershed" means a topographic area of land that drains to a common point, such as a lake, pond, river, or stream, including the surface waters within that topographic area.

(f) "Watershed management plan" means a water resource plan that sets forth management strategies for improving water quality or achieving water quality standards and designated uses in a watershed.

(g) "Wellhead protection area" means an area which has been approved by the department under the state of Michigan wellhead protection program, which represents the surface and subsurface area surrounding a water well or well field, which supplies a community public water supply, and through which contaminants are reasonably likely to move toward and reach the water well or well field within a 10-year time of travel or means a designated source water protection area surrounding a low-tritium public water supply well.

History: 2000 AACCS.

R 324.8907 Clean water fund activities.

Rule 7. (1) The director may award grants in accordance with R 324.8909 and enter into contracts for any of the following activities:

(a) Implementing portions of the surface water monitoring strategy.

(b) Providing state match to establish and implement the conservation reserve enhancement program in Michigan.

(c) Implementing water quality protection or improvement activities in approved watershed management plans that are required under a NPDES wastewater discharge permit for stormwater discharges from separate stormwater drainage systems and that are not otherwise required by federal law.

(d) Implementing water quality protection or improvement recommendations in approved watershed management plans that place a strong emphasis on protecting high quality waters.

(e) Implementing recommendations in LaMPs and RAPs that will directly protect or improve water quality, other than the recommendations that involve remediation of contaminated sediments.

(f) Implementing programs to identify and require the correction of illicit connections to separate storm sewer systems.

(g) Implementing programs to do one or both of the following:

(i) Identifying failing on-site septic systems, determining the extent of failing on-site systems, and determining the impact of failing on-site systems on designated uses.

(ii) Implementing corrective measures in areas where failing on-site septic systems have been determined to be threatening or impairing designated uses.

(h) Locating and plugging abandoned wells within wellhead protection areas.

(2) The activity identified under subrule (1)(b) of this rule shall be carried out in accordance with R 324.8915.

(3) The department shall implement the activity identified under subrule (1)(g) of this rule in accordance with R 324.8918.

(4) The department shall implement the activities identified under subrule (1)(h) of this rule, locating and plugging abandoned wells within wellhead protection areas, by implementing R 324.8909(1), (2), (3),

(4)(a), (b)(i and ii),(c) to (g), (j) and R 324.8910(a) to (b), and R 324.8911(7), R 324.8912, R 324.8916, and R 324.8917.

- (5) Contracts shall be established with all recipients of money from the fund.
- (6) The department shall not expend funds for removing inflow or infiltration from sanitary sewers.

History: 2000 AACCS.

R 324.8908 Eligibility for funds.

Rule 8. (1) For-profit entities, local units of government, and nonprofit entities are eligible to be selected as vendors.

(2) Only local units of government and nonprofit entities are eligible for grants.

(3) In addition to the requirement of subrule (2) of this rule, an applicant shall meet all of the following requirements to be eligible for a grant:

(a) The applicant shall demonstrate the capability to carry out the proposed project.

(b) The applicant shall demonstrate that there is an identifiable source of funds for future maintenance and operation of the proposed project, if appropriate.

(c) The applicant shall have undergone a successful financial audit within the 24-month period immediately preceding the application for a grant.

(d) Within the 24 months immediately preceding the application for a grant, the applicant shall not have demonstrated an inability to either manage a grant or meet the obligations in a contract with the department.

(e) Within the 24-month period immediately preceding the application for the grant, the applicant shall not have had a grant from any program within the department revoked or terminated due to the applicant's inability to meet the terms or condition of a grant.

(4) In addition to the requirements of subrules (2) and (3) of this rule, to be eligible for a grant, the applicant shall meet the application requirements set forth in R 324.8909(4) by the deadline identified in the request for proposals. The department shall not accept applications postmarked or hand delivered later than the deadline in the request for proposals. Eligible applicants may submit more than 1 application.

(5) Community public water supplies owned by the state or federal government are not eligible for abandoned well management grant assistance.

History: 2000 AACCS.

R 324.8909 Application and process for grants.

Rule 9. (1) The department shall issue a request for proposals each fiscal year in which clean water fund funding is available for grants.

(2) Requests for proposals shall include all of the following information:

(a) Instructions and forms needed by the applicant.

(b) The types of proposals being solicited.

(c) The application due date.

(3) An applicant shall submit an application to the department in the format prescribed by the department and on forms provided by the department.

(4) Applications for grants shall include all of the following information:

(a) Information about the applicant, including all of the following information:

(i) The applicant's name, address, telephone number, and other pertinent information.

(ii) The qualifications of the applicant's key project staff.

(iii) A statement from a certified public accountant as to when an audit was last conducted, the scope and date of the audit, and a general statement as to the results of the audit.

(b) A description of the project, including all of the following information:

(i) The nature of the surface water quality concern to be addressed, the abandoned well management project to be conducted, or the monitoring activity to be undertaken.

(ii) The project goals and objectives.

(iii) For projects implementing a portion of an approved watershed management plan, all of the following information:

(A) A statement identifying the associated approved watershed management plan.

(B) A statement verifying that the plan is current.

(C) A description of how the project is consistent with the tasks in R 324.8913(2)(g).

(c) Identification of the partners participating in the project and their roles.

(d) A work plan that includes all of the following information:

(i) Tasks to be completed.

(ii) The entity or individual responsible for completing each task.

(iii) A timetable of significant milestones and deliverables.

(e) Identification of any information and education activities.

(f) Budget information, including all of the following information:

(i) Anticipated expenditures.

(ii) Local match and the sources of match.

(iii) The amount of the grant being applied for.

(g) A statement that the proposed project is in compliance with state laws and rules or will result in compliance with state laws and rules.

(h) A statement verifying that all monitoring activities to be undertaken will be carried out in accordance with R 324.8914.

(i) A description of the steps to be taken to assure the long-term sustainability of the project, where appropriate, including both of the following:

(i) Steps to institutionalize the best management practices implemented in the project.

(ii) Commitments by appropriate entities or individuals to maintain the best management practices and the period of time over which the commitments are applicable.

(j) An 8½ inch by 11 inch project location map.

(k) In addition, applicants for abandoned well management grants under R 324.8907(1)(h), shall provide all of the following:

(i) A list of members of an abandoned well management team.

(ii) Verification that a representative of the county or district health department was requested by the applicant to participate in the abandoned well management team.

(iii) A description of the methods to be used to identify the owners of abandoned or temporarily abandoned wells.

(iv) A description of the methods to be used to locate abandoned wells, including identification of the persons responsible for conducting the abandoned well search activity.

(v) A description of the methods to be used to administer the abandoned well plugging activity.

(l) Applicants for abandoned well management grants under R 324.8907(1)(h) are exempt from subdivisions (h) to (i) and (m) to (q) of this subrule.

(m) For applications that propose to implement projects under R 324.8907(1)(c) to (e), an evaluation component that describes how success in achieving the goals and objectives will be determined.

(n) For applications that propose to implement structural best management practices under R 324.8907(1)(c) to (e), on sites where site plans have been developed, an applicant shall submit all of the following unless the applicant demonstrates, in writing, that the following do not apply:

(i) Engineered plans.

(ii) The basis of design.

(iii) A statement indicating the specifications that were used.

(iv) A statement verifying that all applicable permits will be obtained before implementation.

(v) A maintenance plan.

(o) For applications that propose to implement structural best management practices under R 324.8907(1)(c) to (e), on sites where site plans have not been developed, an applicant shall submit both of the following:

(i) An 8½ inch by 11 inch conceptual site plan showing the location of natural features and the proposed best management practices.

(ii) A statement indicating that final plans consistent with subdivision

(n) of this subrule will be submitted to the department and approved by the department before construction. The department shall incorporate the commitment into the project contract.

(p) Plans and specifications submitted shall bear 1 or more seals of a registered professional engineer or registered landscape architect or equivalent as appropriate for the proposed project and approved by the department.

(q) The department reserves the right to review, require modification of, and approve all site plans submitted for grant funding.

History: 2000 AACS.

R 324.8910 Project selection.

Rule 10. In selecting projects for grants awarded through a request for proposals process, the department shall consider all of the following as they relate to a project:

(a) The anticipated benefits of the project in relation to the costs.

(b) The ability of the applicant and the partners to carry out the project.

(c) A commitment on the part of the applicant to conduct an evaluation of the effectiveness of the project, including a commitment to document improvements in water quality or the reduction of pollutant loads, and document the success of proactive efforts such as pollution prevention controls and information and education activities.

(d) The expectation for long-term water quality improvement.

(e) The expectation for long-term protection of high quality waters.

(f) The consistency of the project with remedial action plans and other regional water quality or watershed management plans approved by the department.

(g) Waters that do not attain applicable water quality standards, or waters that presently attain water quality standards but are threatened, respectively, as identified in the publication "Clean Water Act Section 303(d) List Michigan Submittal for 1998," revised annually by the department, as directed by Public Law 92-500, as amended, 33 U.S.C. 1251 et seq.

(h) Commitments for financial and technical assistance from the partners in the project.

(i) Financial and other resource contributions by project participants in excess of that required in section 8802(4) of 1994 PA 451, MCL 324.8802(4).

(j) The commitment by the applicant and partners to institutionalize and enforce practices, using tools such as ordinances, to ensure water quality improves or is protected after the project ends.

(k) The length of time the applicant and partners have committed to maintain any structural best management practices.

(l) Whether the project provides benefits to sources of drinking water.

(m) Other information the department considers relevant.

History: 2000 AACCS.

R 324.8911 Grant reporting and reimbursement.

Rule 11. (1) During the period of the grant, surface water grantees shall submit status reports to the department at a frequency consistent with their contract and in a format specified by the department. A status report shall include all of the following information, as appropriate:

(a) A narrative description of the progress, including all of the following information:

(i) The project name, the grantee name, and the reporting period.

(ii) The value of the match earned during the reporting period.

(iii) The accomplishments achieved during the reporting period for each task in the work plan.

(iv) Other accomplishments not anticipated in the work plan.

(v) Products generated during the reporting period.

(vi) Barriers to progress that have caused delays.

(vii) Activities scheduled for the next reporting period.

(viii) In addition, for grantees implementing an abandoned well management grant under R 324.8907(1)(h), both of the following shall be submitted:

(A) A listing of locations of each abandoned well that was plugged during the reporting period.

(B) Copies of abandoned well plugging records.

(b) A financial status report in a format consistent with the form provided by the department.

(c) A summary of the environmental benefits of the project, including pollutant reduction information and the number and types of best management practices implemented.

(d) Other appropriate information requested by the department in the grant or contract.

(2) The department shall make reimbursement of expenditures incurred during the reporting period upon approval of the status report.

(3) A grantee shall submit a final project report. A grantee shall ensure that the final project report is consistent with the format provided by the department and includes all of the following information, as appropriate:

(a) A brief narrative description of the project, including all of the following information, as appropriate:

(i) The project name and the grantee name.

(ii) The project goals and objectives.

(iii) An analysis of the extent to which the project achieved the goals and objectives.

(iv) A description of environmental benefits of the project, including all of the following:

(A) The number and types of best management practices implemented.

(B) Pollutant reduction information.

(C) Before and after pictures.

(v) A list of partners in the project and their contributions.

(vi) A list of products resulting from the project.

(vi) A summary of the water quality data collected.

(viii) An analysis of which portions of the project were successful, which were not successful, and the barriers to success.

(b) A financial report in a format consistent with the form provided by the department.

(c) In addition, recipients of grants to implement the surface water monitoring strategy under R 324.8907(1)(a) shall submit a compilation of data collected.

(d) In addition, recipients of abandoned well management grants under R 324.8907(1)(h), shall submit both of the following:

(i) The number and location of all abandoned wells and temporarily abandoned wells located during the project.

(ii) A list of locations of all oil, gas, and mineral wells identified during grant-eligible search activities.

(e) Other appropriate information requested by the department in the grant or contract.

(4) For grantees implementing structural best management practices, the department may conduct site inspections to ensure consistency with the approved plan.

(5) The department may withhold from reimbursement an amount up to 10% of the grant until the grantee's final project report has been received and approved, and the financial records on file with the department have been audited by the department and any issues resolved. If the department does not receive an approvable final project report within 12 months of the end of the project contract, then the grantee is in default of the contract and forfeits claim to the unpaid balance of the grant. The recovered funds are available only for commitment to future grants awarded under these rules.

(6) All grants may be subject to a postaudit.

(7) The department may revoke a grant made with money from the fund or withhold payment if the recipient fails to comply with the terms and conditions of the grant. If a grant is revoked, then the department may recover all funds awarded.

(8) If the grantee satisfies the match requirement with a commitment to maintain the practices as allowed in R 324.8912(3), then the grantee's contract shall include a maintenance plan describing the maintenance activities that will be accomplished and a schedule for each activity. As part of the contract, the grantee shall submit, in a format prescribed by the department, a report consistent with the maintenance schedule identified in the maintenance plan. The plan shall describe the maintenance activities that will be accomplished and include a schedule for each activity.

History: 2000 AACCS.

R 324.8912 Match requirements for grants.

Rule 12. (1) A grantee shall contribute match funds according to the following:

(a) A grantee who receives grant funds under any of the following activities shall contribute not less than 25% of the project's total cost as match:

(i) R 324.8907(1)(a), implementing portions of the surface water monitoring strategy.

(ii) R 324.8907(1)(d), implementing water quality protection or improvement recommendations in approved watershed management plans that place a strong emphasis on protecting high quality waters.

(iii) R 324.8907(1)(e), implementing recommendations in LaMPs and RAPs that will directly protect or improve water quality, other than the recommendations that involve remediation of contaminated sediments.

(iv) R 324.8907(1)(f), implementing programs to identify and require the correction of illicit connections to separate storm sewer systems.

(v) R 324.8907(1)(g)(i), identifying failing septic systems, determining the extent of failing on-site systems, and determining the impact of failing on-site systems on designated uses.

(vi) R 324.8907(1)(h), locating and plugging abandoned wells within wellhead protection areas.

(b) A grantee who receives funding under R 324.8907(1)(c), implementing water quality protection or improvement activities in approved watershed management plans that are required under a NPDES wastewater discharge permit for stormwater discharges from separate stormwater drainage systems and that are not otherwise required by law, shall contribute not less than 50% of the project's total cost as match.

(c) A grantee who receives funding under R 324.8907(1)(g)(ii), implementing corrective measures in areas where failing on-site septic systems have been determined to be threatening or impairing designated uses, shall contribute 66% of the project's total cost as match.

(2) The department may accept in-kind services to provide all or a portion of the required match.

(3) For all grants except those awarded under R 324.8907(1)(g) and (h), the department may accept as the match requirement a commitment, under terms acceptable

to the department, that provides for the maintenance of the project or practices funded by the grant.

(a) The commitment shall be incorporated into the contract between the grantee and the department.

(b) Any maintenance contracts between the grantee and a third party shall be subject to approval by the department.

(c) The maintenance of the project or the practices shall be for a minimum of 20 years after the completion of the project.

(d) If the grantee fails to comply with the maintenance terms of the contract throughout the 20-year period, then the department may seek reimbursement of funds equivalent to a proportional amount of the grant funding for which the defaulted maintenance activities were to be provided as match, plus interest in an amount not to exceed 0.75% per month from the date on which the department requests repayment. Funds recovered under this subrule shall be available only for commitment to future contracts awarded under these rules.

(4) A grantee implementing an abandoned well management grant under R 324.8907(1)(h) shall provide documentation of a local match to the grant assistance through 1 or more of the following:

(a) Identification of an item within a local budget dedicated to conducting abandoned well, temporarily abandoned well, or active well management activities in an amount not less than the local match. Activities acceptable as match may include any of the following:

(i) Implementation of ordinances that reduce or eliminate the creation of unplugged abandoned wells by any of the following:

(A) Promoting the plugging of abandoned wells when community public water service is provided.

(B) Requiring the plugging of abandoned wells before demolition of buildings.

(C) Requiring the plugging of abandoned wells before modifications of land use zoning classifications are granted.

(D) Other similar strategies.

(ii) Implementation of partnership agreements between townships, municipalities, villages, or local agencies for the purpose of abandoned well management.

(iii) Mapping the locations of active wells within a wellhead protection area using global positioning system/geographic information system technology.

(iv) Creation of geographic information system databases and the purchase of computer software to track the status of active wells inside wellhead protection areas.

(v) Grant-eligible activities defined in R 324.8916.

(b) A written agreement committing the applicant to an expenditure of funds in an amount not less than the local match.

(c) Evidence of previous local expenditures on abandoned well, temporarily abandoned well, and active well management and plugging activities within a wellhead protection area under 1978 PA 368, MCL 333.12701 et seq., that were completed after October 1, 1998.

(d) A combination of any of the items specified in subdivisions (a) to (c) of this subrule.

R 324.8913 Approvable watershed management plans.

Rule 13. (1) A local unit of government or a nonprofit entity may submit a watershed management plan to the department for approval under these rules.

(2) A watershed plan submitted to the department for approval under this rule shall be detailed, current, and identify all of the following:

- (a) The geographic scope of the watershed.
 - (b) The designated uses and desired uses of the watershed.
 - (c) The water quality threats or impairments in the watershed.
 - (d) The causes of the impairments or threats, including pollutants.
 - (e) A clear statement of the water quality improvement or protection goals of the watershed plan.
 - (f) The sources of the pollutants causing the impairments or threats of impairments.
 - (g) The sources of the pollutants that are critical to control in order to meet water quality standards or other water quality goals.
 - (h) The tasks and their estimated costs that need to be completed to prevent or control the critical sources of pollution or address causes of impairment, including, as appropriate, all of the following:
 - (i) The best management practices needed.
 - (ii) Revisions needed or proposed to local zoning ordinances and other land use management tools.
 - (iii) Informational and educational activities needed.
 - (iv) Activities needed to institutionalize watershed protection.
 - (i) A summary of the public participation process, including the opportunity for public comment during watershed plan development and the partners that were involved in the development of the watershed plan.
 - (j) The estimated periods of time needed to complete each task and the proposed sequence of task completion.
 - (k) A description of the process that will be used to evaluate the effectiveness of implementing the plan and achieving its goals.
- (3) The department shall accept and review watershed plans submitted for approval under this rule any time throughout the year.
- (4) The department shall have 90 days to take action on watershed plans submitted for approval. Taking action may include approving, rejecting, or commenting.

History: 2000 AACCS.

R 324.8914 Quality assurance for monitoring activities.

Rule 14. (1) Before carrying out any monitoring activities, the grantee or vendor shall submit a QAPP for departmental approval.

(2) The QAPP shall address applicable objectives for environmental data accuracy, precision, completeness, representativeness, and comparability through coverage of the following elements, depending upon the monitoring activity or activities to be carried out:

- (a) A description of the elements that make up the project and the person or persons responsible for carrying out the project.
 - (b) Quality assurance objectives for measurement data.
 - (c) Sampling procedures.
 - (d) Sample custody procedures.
 - (e) Equipment calibration procedures and frequency.
 - (f) Analytical procedures.
 - (g) Internal quality control checks.
 - (h) Data reduction, validation, and reporting.
 - (i) Performance and systems audits to verify adherence to quality assurance/quality control programs.
 - (j) Preventive maintenance on equipment and instrumentation.
 - (k) Data quality assessment.
 - (l) Corrective action for analytical and field equipment problems and quality assurance/quality control noncompliance problems.
- (3) The grantee or vendor shall carry out monitoring activities in accordance with procedures outlined in 40 C.F.R. Section 136 (1998), or in accordance with other procedures approved by the department.

History: 2000 AACCS.

R 324.8915 Conservation reserve enhancement program.

Rule 15. (1) The department of environmental quality shall not use more than \$5,000,000.00 from the fund to provide state contribution for the establishment and implementation of the conservation reserve enhancement program.

(2) Money from the fund can be used for any of the following:

- (a) Establishment of riparian buffer strips.
- (b) Filter strips.
- (c) Field windbreaks.
- (d) Grassed waterways.
- (e) Wetland restoration.
- (f) Wetland creation.

(g) Other eligible practices related to water quality improvement specified in the conservation reserve enhancement program. Fund money shall be used for onetime payment for voluntary permanent easements for the eligible practices. The department of environmental quality shall not use funds for rental incentive payments or for easements other than permanent easements.

(3) The department of environmental quality may enter into a memorandum of understanding with another state agency to provide the state contribution to the conservation reserve enhancement program.

(4) For the practices and activities identified in subrule (2) of this rule, the department of environmental quality and state agencies with whom the department enters into memorandums of understanding may provide direct payments to any of the following:

- (a) Landowners who enroll in the conservation reserve enhancement program.
- (b) Holders of the permanent easements.

(c) Other third parties responsible for the establishment of the eligible practices or the permanent easements.

History: 2000 AACCS; 2001 AACCS.

R 324.8916 Activities eligible for abandoned well management grants.

Rule 16. (1) The following abandoned well management activities are eligible for funding:

(a) Preparation of proposals, narratives, financial statements, and reports related to abandoned well management, as requested by the department.

(b) Conducting the following activities within wellhead protection areas:

(i) Identification of well and property owners.

(ii) On-site surveys, inspections, or other activities for finding abandoned wells.

(iii) A search for, and review of, records to identify abandoned well locations.

(iv) Creation of databases and the purchase of computer software to track the status of abandoned wells.

(v) The purchase or rental of magnetometers, metal detectors, or other appropriate geophysical instrumentation, and the excavation costs associated with locating buried abandoned wells.

(vi) The mapping of abandoned well locations, at a cost not to exceed 5% of the total grant amount.

(vii) Plugging of abandoned wells by water well drilling contractors registered under section 12704 of 1978 PA 368, MCL 333.12704.

(A) Where groundwater contamination problems have been identified inside the wellhead protection area priority shall be given to plugging abandoned wells in the area of known contamination.

(viii) Well plugging verification activities.

(2) The following community public waterline extension activities conducted within wellhead protection areas are eligible for funding:

(a) Identification of abandoned wells at structures where water service connection has been made.

(b) Plugging wells that have been taken out of service when new public water service connections are made.

(c) Wells that are required to be plugged under parts 201, 211, 213, or 615 of this act are not eligible for funding under this part.

(3) The applicant shall focus eligible public education and outreach activities on promoting wellhead protection concepts and the importance of plugging abandoned wells. Eligible activities include the following:

(a) Development and dissemination of brochures, pamphlets, billing statement attachments, news releases, videos, or similar materials through newspapers, radio, television, or other public communication media acceptable to the department.

History: 2000 AACCS.

R 324.8917 Abandoned well management grants.

Rule 17. (1) Each grant applicant is eligible for the following grant assistance to conduct activities within wellhead protection areas:

(a) Not more than the following amounts for conducting record searches and site surveys to locate abandoned or temporarily abandoned wells, conducting public outreach, and other related administrative activities approved by the department:

(i) \$4,500 for the first square mile of wellhead protection area.

(ii) \$2,500 for each additional square mile of wellhead protection area.

(b) Not more than the following amounts for plugging abandoned wells:

(i) A standard rate of \$400 per well identified during the search activities.

(ii) Plugging costs that exceed \$400 per well, if an itemized job estimate from 3 registered water well drilling contractors is provided, and if the amount is approved in writing by the department.

(iii) After locating abandoned wells in a wellhead protection area, to be eligible to receive grant assistance for plugging the identified abandoned wells, the grant applicant shall submit a listing of abandoned well

locations to the department.

(2) A grant applicant shall not receive more than \$100,000 for plugging abandoned wells in one fiscal year.

(3) A grantee that has received wellhead protection grant assistance authorized in section 12816 of 1976 PA 399, MCL 325.12816, shall not obtain funds under part 88 of 1994 PA 451, MCL 324.8808 et seq., for the same well location activity.

(4) The department shall annually assess grant amounts defined in R 324.8917 and shall increase the amounts by applying a percentage adjustment using the Detroit consumer price index.

History: 2000 AACCS.

R 324.8918 On-site septic systems grants.

(1) Corrective measures eligible for funding under R 324.8907(1)(g)(ii) include regional treatment alternatives or community treatment systems that provide adequate long-term protection of water quality.

(2) The department shall not award grants under R 324.8907(1)(g)(ii) to install individual septic systems.

(3) The department shall not award grants under R 324.8907(1)(g)(ii) to install conventional septic tank systems.

(4) All applications for projects under R 324.8907(1)(g)(ii) shall include verification that failing on-site septic systems are threatening or impairing designated uses.

(5) Grants awarded for projects under R 324.8907(1)(g)(i) shall not be more than \$25,000.

(6) Grants awarded for projects under R 324.8907(1)(g)(ii) shall not be more than \$1 million.

(7) The department shall give priority in awarding grants under R 324.8907(1)(g) to projects that provide alternatives to failed septic systems in small rural communities.

History: 2000 AACCS.

R 324.8919 Availability of documents.

Rule 19. The following documents are available for inspection electronically, and a single copy may be obtained at no cost, at the Lansing office of the department of environmental quality, P.O. Box 30273, Lansing, Michigan 48909-7773:

- (a) "A Strategic Environmental Quality Monitoring Program for Michigan's Surface Waters," January 1997.
- (b) "Michigan Natural Rivers Program, Designated Rivers and Tributaries."
- (c) "Michigan Scenic Rivers Act of 1991."
- (d) "Coldwater Lakes of Michigan," August 1976.
- (e) "Designated Trout Lakes and Regulations," September 10, 1998.
- (f) "Designated Trout Streams for the state of Michigan," January 8, 1997.
- (g) "Clean Water Act Section 303(d) List, Michigan Submittal for 1998, revised May 1998."

History: 2000 AACCS.

R 324.8920 Adoption of standards by reference.

Rule 20. The following standards are adopted by reference in these rules and are available for inspection electronically, and at the Lansing office of the department of environmental quality, where they may be obtained as indicated:

- (a) "Guidelines for Establishing Test Procedures for Analysis of Pollutants," 40 C.F.R. section 136 (1998). Copies may be obtained from the Department of Environmental Quality, P.O. Box 30273, Lansing, Michigan 48909-7773, at a cost, as of the time of adoption of these rules of 5 cents per page at a labor rate of \$18.10 per hour, or from the Superintendent of Documents, Government Printing Office, Washington, DC 20402, at a cost as of the time of adoption of these rules of \$41.00.

History: 2000 AACCS.