

SUBSTITUTE FOR
HOUSE BILL NO. 4849

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14301, 14302, 14303, 14304, 14306, 14501, 14502, 14503, 14504, 14505, 14506, and 14510 (MCL 324.14301, 324.14302, 324.14303, 324.14304, 324.14306, 324.14501, 324.14502, 324.14503, 324.14504, 324.14505, 324.14506, and 324.14510) and by adding sections 14511 and 14512; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14301. As used in this part:

2 (a) ~~"Office" means the office of waste reduction created in~~
3 ~~section 14302.~~ "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMEN-
4 TAL QUALITY.

5 (b) "Waste" means hazardous waste as defined in
6 section 11103; solid waste as defined in section 11506; liquid

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1 industrial waste as defined in section 12101; discharges
2 regulated by part 31; and air contaminants regulated by part 55.

3 (c) "Waste reduction" means any practice, such as an equip-
4 ment or technology modification, a process or procedure modifica-
5 tion, a reformulation or redesign of a product, a substitution of
6 raw materials, or improved management, training, or inventory
7 control, which practice is undertaken by a person to DIRECTLY OR
8 INDIRECTLY reduce the volume or quantity or toxicity of waste
9 that may be released into the environment or that is treated at a
10 location other than the location where it is produced.

11 Sec. 14302. (1) The ~~office of waste reduction is created~~
12 ~~within the department of natural resources to advise the depart-~~
13 ~~ment on methods of incorporating~~ SHALL INCORPORATE waste reduc-
14 tion goals within ~~the department of natural resources'~~ ITS
15 regulatory and permit programs, including data collection and
16 analysis to advance the concept and implementation of waste
17 reduction.

18 (2) The department ~~of natural resources~~ shall employ per-
19 sonnel and provide support staff as are necessary to implement
20 this part.

21 Sec. 14303. (1) The ~~office~~ DEPARTMENT shall do all of the
22 following:

23 (a) Identify opportunities to encourage waste reduction
24 through the ~~department of natural resources'~~ DEPARTMENT'S regu-
25 latory programs.

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1 (b) Identify opportunities to encourage waste reduction
2 through the ~~department of natural resources~~ DEPARTMENT'S
3 permit programs.

4 (c) Identify how waste reduction efforts should be docu-
5 mented in environmental impact statements.

6 (d) Analyze and make recommendations on the value of impos-
7 ing statewide goals or goals for particular wastes, or both, for
8 waste reduction, minimum recycling standards, and waste treatment
9 standards.

10 (e) Publish an annual analysis of waste reduction efforts
11 and potentials in the state.

12 (2) In performing its responsibilities under subsection (1),
13 the ~~office~~ DEPARTMENT shall place a particular emphasis on
14 in-plant waste reduction.

15 (3) Consistent with the congressional declaration in section
16 1003(b) of subtitle A of title II of Public Law 89-272, 42
17 U.S.C. 6902, that it is the national policy of the United States
18 that, wherever feasible, hazardous waste is to be reduced or
19 eliminated as expeditiously as possible, the ~~office~~ DEPARTMENT
20 shall place a particular emphasis on the reduction of a waste
21 that is a hazardous waste as defined in section 11103.

22 Sec. 14304. ~~(1) The office shall complete the studies pro-~~
23 ~~vided in section 11110(3) upon the request of the department and~~
24 ~~shall provide the information generated by those studies to the~~
25 ~~department.~~ (2) The department shall assure that relevant
26 information received under section 313 of subtitle B of title III
27 of the superfund amendments and reauthorization act of 1986,

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1 Public Law 99-499, 42 U.S.C. 11023, is transmitted to the
2 hazardous waste policy committee by the ~~office~~ DEPARTMENT.

3 Sec. 14306. The ~~office~~ DEPARTMENT shall prepare and
4 deliver, before January 1 of each year, a report detailing the
5 efforts the ~~office~~ DEPARTMENT has undertaken during the previ-
6 ous fiscal year to implement this part. The annual report shall
7 be delivered to the legislature, the governor, and the chair-
8 persons of the appropriations committees in the senate and the
9 house of representatives for their use in evaluating future
10 appropriations for the ~~office~~ DEPARTMENT TO IMPLEMENT THIS
11 PART. The annual report may include the information generated
12 pursuant to sections 14303 and 14304 and may recommend changes in
13 policies and regulatory approaches that will encourage waste
14 reduction.

15 Sec. 14501. As used in this part:

16 ~~(a) "Committee" means the waste reduction advisory commit-~~
17 ~~tee created in section 14507.~~

18 (A) ~~(b)~~ "Department" means the department of ~~commerce~~
19 ENVIRONMENTAL QUALITY.

20 (B) ~~(c)~~ "Director" means the director of ~~commerce~~ THE
21 DEPARTMENT OF ENVIRONMENTAL QUALITY.

22 (C) "RETAP" MEANS THE RETIRED ENGINEERS TECHNICAL ASSISTANCE
23 PROGRAM CREATED IN SECTION 14511.

24 (d) ~~"Service" means the waste reduction assistance service~~
25 ~~created in section 14502.~~ "RETAP FUND" MEANS THE FUND CREATED IN
26 SECTION 14512.

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1 (e) "Waste" means hazardous waste as defined in
2 section 11103; solid waste as defined in section 11506; liquid
3 industrial waste as defined in section 12101; discharges regu-
4 lated by part 31; and air contaminants regulated by part 55.

5 (f) "Waste reduction" means any practice, such as an equip-
6 ment or technology modification, a process or procedure modifica-
7 tion, a reformulation or redesign of a product, a substitution of
8 raw materials, or improved management, training, or inventory
9 control, which practice is undertaken by a person to DIRECTLY OR
10 INDIRECTLY reduce the volume or quantity or toxicity of waste
11 that may be released into the environment or that is treated at a
12 location other than the location where it is produced.

13 Sec. 14502. (1) The ~~waste reduction assistance service is~~
14 ~~created within the department of commerce. The service~~
15 DEPARTMENT shall inform, assist, educate, and provide funding, as
16 provided in this part, to persons to facilitate a reduction in
17 the amount of waste generated in the state. The ~~service~~
18 DEPARTMENT shall place a particular emphasis on in-plant waste
19 reduction.

20 (2) The department shall employ personnel and provide staff
21 and services as are necessary to ~~administer the service and to~~
22 implement this part.

23 Sec. 14503. (1) The ~~service~~ DEPARTMENT shall establish a
24 waste reduction information clearinghouse which shall do all of
25 the following:

26 (a) Upon request, provide specific waste reduction
27 information to any person.

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- 1 (b) Publish information describing waste reduction
2 technologies.
- 3 (c) Distribute available publications pertaining to waste
4 reduction.
- 5 (d) Sponsor waste reduction workshops targeted at specific
6 industries.
- 7 (e) Participate in conferences and meetings of business
8 organizations.
- 9 (f) Provide information and application forms as necessary
10 to fulfill the department's responsibilities under sections 14505
11 and 14506.
- 12 (2) The ~~service~~ DEPARTMENT may contract to have any of the
13 activities provided in subsection (1) performed by persons other
14 than department personnel.
- 15 Sec. 14504. The ~~service~~ DEPARTMENT shall provide AND
16 SUPPORT technical assistance regarding waste reduction to busi-
17 ness and industry throughout the state and shall do all of the
18 following:
- 19 (a) Provide instruction on self-conducted waste audits per-
20 taining to waste reduction.
- 21 (b) Provide consultant referrals pertaining to waste
22 reduction.
- 23 (c) Provide on-site assistance to business and industry per-
24 taining to waste reduction.
- 25 (d) Provide other information and assistance that is consid-
26 ered appropriate by the ~~service~~ DEPARTMENT.

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1 Sec. 14505. (1) The department shall establish a waste
2 reduction grants program.

3 (2) Information and applications for grants provided by this
4 section shall be distributed upon request through the ~~service~~
5 DEPARTMENT. Additionally, the ~~service~~ DEPARTMENT shall, upon
6 request, make referrals and provide information about other state
7 agencies and programs and federal agencies and programs where
8 funding alternatives may be available.

9 (3) An application for a grant under this section shall be
10 on a form provided by the department and contain information as
11 required by the director.

12 (4) The director ~~, after the consideration of the recommen-~~
13 ~~dations of the committee,~~ shall make waste reduction grants for
14 either or both of the following purposes:

15 (a) To fund projects that demonstrate new and emerging waste
16 reduction technologies. A grant made under this subdivision
17 shall require that information generated by the project shall be
18 available to the ~~service~~ DEPARTMENT for distribution through
19 the waste reduction information clearinghouse created in
20 section 14503.

21 (b) To fund waste reduction projects.

22 (5) The director, in making grants pursuant to this section,
23 shall consider all of the following:

24 (a) The severity of the waste problem being addressed.

25 (b) The extent that the technological development will
26 reduce waste at its source.

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1 (c) The potential for the application of the waste reduction
2 technology to other persons.

3 (d) The ability of the applicant to contribute matching
4 funds.

5 (e) The percentage reduction of volume or quantity or toxic-
6 ity of waste that will be achieved.

7 (f) Whether the project is consistent with state law and
8 policy.

9 (g) Additional criteria as the director considers
10 appropriate.

11 Sec. 14506. (1) The department shall establish a waste
12 reduction research grants program.

13 (2) Information and applications for grants under this sec-
14 tion shall be distributed upon request through the ~~service~~
15 DEPARTMENT.

16 (3) An application for a grant under this section shall be
17 on a form provided by the department and shall contain informa-
18 tion required by the director.

19 (4) The director ~~, after consideration of the recommenda-~~
20 ~~tions of the committee,~~ shall make grants to colleges and uni-
21 versities, nonprofit corporations, or industry associations or
22 other persons for industry specific research projects pertaining
23 to waste reduction.

24 (5) The director, in making grants pursuant to this section,
25 shall consider all of the following:

26 (a) The severity of the waste problem being addressed.

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1 (b) The extent that the technological development will
2 reduce the volume or quantity or toxicity of waste generated.

3 (c) The potential for the application of waste reduction
4 technology to other persons.

5 (d) The ability of the applicant to contribute matching
6 funds.

7 (e) The percentage reduction of volume or quantity or toxic-
8 ity of waste that will be achieved.

9 (f) The likelihood of the applicant's project qualifying for
10 other research grants or subsequent research grants from other
11 sources.

12 (g) Whether the project is consistent with state law and
13 policy.

14 (h) Additional criteria as the director considers
15 appropriate.

16 Sec. 14510. The ~~service~~ DEPARTMENT shall prepare and
17 deliver, before January 1 of each year, a report detailing the
18 efforts the ~~service~~ DEPARTMENT, INCLUDING RETAP, has undertaken
19 during the previous fiscal year to implement this part. The
20 annual report shall be delivered to the legislature, the gover-
21 nor, and the chairpersons of the appropriations committees in the
22 senate and the house of representatives for their use in evaluat-
23 ing future appropriations for the service.

24 SEC. 14511. (1) THE DEPARTMENT SHALL ESTABLISH A RETIRED
25 ENGINEERS TECHNICAL ASSISTANCE PROGRAM. THE RETAP SHALL PROVIDE
26 ASSISTANCE PURSUANT TO SECTION 14504. RETAP ASSISTANCE SHALL BE

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1 CONDUCTED BY THE RETIRED ENGINEERS, SCIENTISTS, AND OTHER
2 QUALIFIED PROFESSIONALS PARTICIPATING IN RETAP.

3 (2) THE DEPARTMENT MAY CONTRACT WITH PUBLIC OR PRIVATE COR-
4 PORATIONS TO CONDUCT 1 OR MORE RETAP ACTIVITIES.

5 (3) THE DIRECTOR MAY ESTABLISH PRIORITIES FOR RETAP ASSIST-
6 ANCE BASED ON THE DEMAND FOR RETAP ASSISTANCE, THE FUNDS AVAIL-
7 ABLE FOR THE ASSISTANCE, AND THE NEEDS OF THE APPLICANTS, TAKING
8 INTO CONSIDERATION THE MOST EFFECTIVE USE OF THE ASSISTANCE.

9 SEC. 14512. (1) THE RETIRED ENGINEERS TECHNICAL ASSISTANCE
10 PROGRAM FUND IS CREATED WITHIN THE STATE TREASURY.

11 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
12 FROM ANY SOURCE FOR DEPOSIT INTO THE RETAP FUND. THE STATE TREA-
13 SURER SHALL DIRECT THE INVESTMENT OF THE RETAP FUND. THE STATE
14 TREASURER SHALL CREDIT TO THE RETAP FUND INTEREST AND EARNINGS
15 FROM FUND INVESTMENTS.

16 (3) THE TOTAL AMOUNT OF MONEY IN THE RETAP FUND SHALL NOT
17 EXCEED \$10,000,000.00.

18 (4) TO CAPITALIZE THE RETAP FUND, \$700,000.00 FROM FEES COL-
19 LECTED UNDER SECTION 11108 IS APPROPRIATED AND TRANSFERRED FROM
20 THE GENERAL FUND TO THE RETAP FUND.

21 (5) MONEY IN THE RETAP FUND AT THE CLOSE OF THE FISCAL YEAR
22 SHALL REMAIN IN THE RETAP FUND AND SHALL NOT LAPSE TO THE GENERAL
23 FUND.

24 (6) THE STATE TREASURER SHALL ANNUALLY REPORT TO THE LEGIS-
25 LATURE ON THE AMOUNT OF MONEY IN THE RETAP FUND.

26 (7) THE DEPARTMENT SHALL EXPEND MONEY FROM THE RETAP FUND,
27 UPON APPROPRIATION, TO ADMINISTER AND OPERATE THE RETAP.

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1 Enacting section 1. Sections 14305, 14507, 14508, and 14509
2 of the natural resources and environmental protection act, 1994
3 PA 451, MCL 324.14305, 324.14507, 324.14508, and 324.14509, are
4 repealed.