

HOUSE BILL No. 4988

June 26, 1997, Introduced by Rep. Freeman and referred to the Committee on Conservation, Environment and Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14501, 14502, 14503, 14504, 14507, and 14508 (MCL 324.14501, 324.14502, 324.14503, 324.14504, 324.14507, and 324.14508) and by adding sections 14506a, 14511, and 14512; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14501. As used in this part:

2 (a) "Committee" means the ~~waste reduction~~ POLLUTION
3 PREVENTION advisory committee created in section 14507.

4 (b) "Department" means the department of ~~commerce~~
5 ENVIRONMENTAL QUALITY.

6 (c) "Director" means the director of ~~commerce~~ THE
7 DEPARTMENT.

1 (D) "ENVIRONMENTAL WASTES" MEANS ALL ENVIRONMENTAL
2 POLLUTANTS, WASTES, DISCHARGES, AND EMISSIONS, REGARDLESS OF
3 WHETHER OR HOW THEY ARE REGULATED AND REGARDLESS OF WHETHER THEY
4 ARE RELEASED TO THE GENERAL ENVIRONMENT OR THE WORKPLACE
5 ENVIRONMENT.

6 (E) "POLLUTION PREVENTION" MEANS BOTH OF THE FOLLOWING:

7 (i) "SOURCE REDUCTION" AS DEFINED IN THE POLLUTION PREVEN-
8 TION ACT OF 1990, SUBTITLE G OF TITLE VI OF THE OMNIBUS BUDGET
9 RECONCILIATION ACT OF 1990, PUBLIC LAW 101-508, 42 U.S.C. 13101
10 TO 13109.

11 (ii) "POLLUTION PREVENTION" AS DESCRIBED IN THE ENVIRONMEN-
12 TAL PROTECTION AGENCY'S POLLUTION PREVENTION POLICY STATEMENT
13 DATED JUNE 15, 1993.

14 (F) ~~(d)~~ "Service" means the ~~waste reduction~~ POLLUTION
15 PREVENTION assistance service created in section 14502.

16 ~~(e)~~ "Waste" means hazardous waste as defined in
17 section 11103; solid waste as defined in section 11506; liquid
18 industrial waste as defined in section 12101; discharges regu-
19 lated by part 31; and air contaminants regulated by part 55.

20 ~~(f)~~ "Waste reduction" means any practice, such as an equip-
21 ment or technology modification, a process or procedure modifica-
22 tion, a reformulation or redesign of a product, a substitution of
23 raw materials, or improved management, training, or inventory
24 control, which practice is undertaken by a person to reduce the
25 volume or quantity or toxicity of waste that may be released into
26 the environment or that is treated at a location other than the
27 location where it is produced.

1 (G) "TITLE III" MEANS THE EMERGENCY PLANNING AND COMMUNITY
2 RIGHT-TO-KNOW ACT OF 1986, TITLE III OF PUBLIC LAW 99-499, 42
3 U.S.C. 11001 TO 11005, 11021 TO 11023, AND 11041 TO 11050.

4 (H) "TOXIC SUBSTANCES" OR "TOXICS" MEANS SUBSTANCES FOR
5 WHICH REPORTING IS REQUIRED UNDER TITLE III; SUBSTANCES REGULATED
6 UNDER SECTIONS 101(14) AND 102 OF TITLE I OF THE COMPREHENSIVE
7 ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980,
8 PUBLIC LAW 96-510, 42 U.S.C. 9601 AND 9602; HAZARDOUS AIR POLLUT-
9 ANT AS DEFINED IN SECTION 112(a) OF PART A OF TITLE I OF THE
10 CLEAN AIR ACT, CHAPTER 360, 84 STAT. 1685, 42 U.S.C. 7412; AND
11 SUBSTANCES INCLUDED ON THE MICHIGAN CRITICAL MATERIALS REGISTER
12 COMPILED BY THE DEPARTMENT UNDER SECTION 3111.

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

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 shall establish a ~~waste~~
24 ~~reduction~~ POLLUTION PREVENTION information clearinghouse which
25 shall do all of the following:

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

1 (b) Publish information describing ~~waste reduction~~
2 POLLUTION PREVENTION technologies.

3 (c) Distribute available publications pertaining to ~~waste~~
4 ~~reduction~~ POLLUTION PREVENTION.

5 (d) Sponsor ~~waste reduction~~ POLLUTION PREVENTION workshops
6 targeted at specific 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
11 ~~sections 14505 and 14506~~ SECTION 14506A.

12 (2) The service may contract to have any of the activities
13 provided in subsection (1) performed by persons other than
14 department personnel.

15 Sec. 14504. The service shall provide technical assistance
16 regarding ~~waste reduction~~ POLLUTION PREVENTION to business and
17 industry throughout the state and shall do all of the following:

18 (a) Provide instruction on self-conducted waste audits per-
19 taining to ~~waste reduction~~ POLLUTION PREVENTION.

20 (b) Provide consultant referrals pertaining to ~~waste~~
21 ~~reduction~~ POLLUTION PREVENTION.

22 (c) Provide on-site assistance to business and industry per-
23 taining to ~~waste reduction~~ POLLUTION PREVENTION.

24 (D) PROVIDE GENERAL TECHNICAL AND INFORMATIONAL ASSISTANCE
25 PERTAINING TO POLLUTION PREVENTION.

26 (E) PROVIDE ENVIRONMENTAL MANAGEMENT SYSTEMS TRAINING AND
27 SUPPORT, INCLUDING INFORMATION REGARDING THE INTERNATIONAL

1 STANDARDS ORGANIZATION STANDARD 150 14000:1996, ENVIRONMENTAL
2 MANAGEMENT SYSTEMS SERIES STANDARD.

3 (F) PROVIDE CONFIDENTIAL ENVIRONMENTAL ASSESSMENTS THROUGH
4 THE RETIRED ENGINEER TECHNICAL ASSISTANCE PROGRAM.

5 (G) ~~(d)~~ Provide other information and assistance that is
6 considered appropriate by the service.

7 SEC. 14506A. (1) THE DEPARTMENT SHALL ESTABLISH A SMALL
8 BUSINESS POLLUTION PREVENTION INVENTORY GRANTS PROGRAM AND SHALL
9 AWARD POLLUTION PREVENTION INVENTORY GRANTS TO SMALL BUSINESSES
10 THAT GENERATE ENVIRONMENTAL WASTE AND ARE LOCATED IN THIS STATE.
11 POLLUTION PREVENTION INVENTORY GRANTS SHALL BE MADE FOR THE FOL-
12 LOWING PURPOSES:

13 (A) DETERMINING THE FULL COSTS OF USING AND PRODUCING TOXIC
14 SUBSTANCES.

15 (B) IDENTIFYING PROCESSES THAT USE OR PRODUCE TOXIC SUB-
16 STANCES, AND THE COMPOSITION OF THE TOXIC SUBSTANCES.

17 (C) IDENTIFYING POLLUTION PREVENTION OPTIONS.

18 (2) THE DEPARTMENT, UPON RECOMMENDATION OF THE CLEAN MANU-
19 FACTURING AND POLLUTION PREVENTION INSTITUTE CREATED IN PART 142,
20 SHALL ISSUE POLLUTION PREVENTION INVENTORY GRANTS USING THE FOL-
21 LOWING CRITERIA:

22 (A) THE LIKELIHOOD THAT AN APPLICANT WILL BE TECHNICALLY AND
23 FINANCIALLY ABLE TO, AND WILL BE WILLING TO, IMPLEMENT POLLUTION
24 PREVENTION.

25 (B) THE VOLUME AND TOXICITY OF TOXIC SUBSTANCES USED OR
26 PRODUCED BY AN APPLICANT.

1 (C) THE POTENTIAL FOR OTHERS TO USE THE INFORMATION GAINED
2 FROM AN APPLICANT'S POLLUTION PREVENTION INVENTORY.

3 (D) PROVIDING GRANTS TO A RANGE OF TYPES OF APPLICANTS.

4 (3) THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

5 (A) ESTABLISH REQUIREMENTS FOR INVENTORY SUMMARIES AND
6 IMPLEMENTATION SUMMARIES UNDER SUBSECTION (5). THE REQUIREMENTS
7 FOR AN IMPLEMENTATION SUMMARY SHALL INCLUDE A DESCRIPTION OF ANY
8 RECOMMENDATIONS INCLUDED IN THE INVENTORY THAT WERE IMPLEMENTED
9 AND THE REASONS FOR NOT IMPLEMENTING ANY POLLUTION PREVENTION
10 OPTIONS OR OTHER RECOMMENDATIONS INCLUDED IN THE INVENTORY.

11 (B) REVIEW THE INVENTORY SUMMARIES AND IMPLEMENTATION SUMMA-
12 RIES SUBMITTED BY RECIPIENTS OF GRANTS UNDER THIS SECTION AND
13 ANNUALLY REPORT THE RESULTS OF THE REVIEW TO THE CLERK OF THE
14 HOUSE OF REPRESENTATIVES AND THE SECRETARY OF THE SENATE FOR DIS-
15 TRIBUTION BY OCTOBER 1.

16 (4) A SMALL BUSINESS THAT GENERATES ENVIRONMENTAL WASTES AND
17 THAT SEEKS A GRANT UNDER THIS SECTION SHALL APPLY TO THE
18 DEPARTMENT.

19 (5) A GRANT PROVIDED UNDER THIS SECTION SHALL NOT EXCEED 75%
20 OF THE COST OF A POLLUTION PREVENTION INVENTORY OR \$5,000.00,
21 WHICHEVER IS LESS. WITHIN 30 DAYS AFTER SELECTING A PERSON TO
22 CONDUCT THE INVENTORY, THE RECIPIENT OF A GRANT SHALL REPORT THE
23 NAME OF THE PERSON WHO WILL CONDUCT THE INVENTORY AND THE APPROX-
24 IMATE DATE ON WHICH THE INVENTORY WILL BE COMPLETED TO THE
25 DEPARTMENT. WITHIN 60 DAYS AFTER AN INVENTORY IS COMPLETED OR 1
26 YEAR AND 60 DAYS AFTER THE AWARDING OF THE GRANT, WHICHEVER IS
27 EARLIER, THE RECIPIENT SHALL PROVIDE THE DEPARTMENT WITH AN

1 INVENTORY SUMMARY THAT MEETS THE REQUIREMENTS ESTABLISHED UNDER
2 SUBSECTION (3)(A). IF THE RECIPIENT FAILS TO PROVIDE THE INVEN-
3 TORY SUMMARY WITHIN THAT TIME, THE RECIPIENT SHALL REPAY THE
4 GRANT PLUS INTEREST, AS DETERMINED BY THE DEPARTMENT. ALL FUNDS
5 RECEIVED UNDER THIS SUBSECTION SHALL BE DEPOSITED IN THE GENERAL
6 FUND. WITHIN 1 YEAR AFTER PROVIDING THE INVENTORY SUMMARY, THE
7 RECIPIENT OF A GRANT SHALL PROVIDE TO THE DEPARTMENT AN IMPLEMEN-
8 TATION SUMMARY THAT MEETS THE REQUIREMENTS ESTABLISHED UNDER SUB-
9 SECTION (3)(A).

10 (6) AS USED IN THIS SECTION, "SMALL BUSINESS" MEANS A BUSI-
11 NESS THAT IS INDEPENDENTLY OWNED AND OPERATED, IS NOT DOMINANT IN
12 ITS FIELD AS DEFINED IN 13 C.F.R. 121, AND MEETS BOTH OF THE FOL-
13 LOWING REQUIREMENTS:

14 (A) IS OWNED OR OPERATED BY A PERSON THAT EMPLOYS 100 OR
15 FEWER INDIVIDUALS.

16 (B) IS A SMALL BUSINESS CONCERN AS DEFINED IN THE SMALL
17 BUSINESS ACT, PUBLIC LAW 85-536, 72 STAT. 384.

18 Sec. 14507. (1) The ~~waste reduction~~ POLLUTION PREVENTION
19 advisory committee is created within the department. The commit-
20 tee shall consist of the following members who shall be appointed
21 by the governor with the advice and consent of the senate:

22 (a) One individual from a major industry.

23 (b) One individual from a small business.

24 (c) One individual from an environmental organization.

25 (d) One individual who has knowledge and experience in waste
26 reduction methods and technology.

1 (e) One individual from the general public.

2 (2) The governor shall select 1 of the individuals appointed
3 under subsection (1) to serve as the chairperson of the
4 committee. The committee shall meet when necessary at the call
5 of the chairperson.

6 (3) Members of the committee shall be appointed for terms of
7 2 years each. However, of the members first appointed, 3 shall
8 be appointed to serve for terms of 3 years.

9 (4) A vacancy on the committee shall be filled in the same
10 manner as the original appointment. A member of the committee
11 whose term has expired shall not continue to serve as a member of
12 the committee unless he or she has been reappointed by the gover-
13 nor with the advice and consent of the senate.

14 (5) A meeting of the committee shall be held in compliance
15 with the open meetings act, ~~Act No. 267 of the Public Acts of~~
16 ~~1976, being sections 15.261 to 15.275 of the Michigan Compiled~~
17 ~~Laws~~ 1976 PA 267, MCL 15.261 TO 15.275, and notice of the time,
18 date, and place of the meeting shall be given in the manner
19 required by that act.

20 Sec. 14508. The committee shall do ~~all~~ BOTH of the
21 following:

22 (a) Advise the service on the administration of the ~~waste~~
23 ~~reduction~~ POLLUTION PREVENTION information clearinghouse and the
24 technical assistance program established pursuant to this part.

25 (b) Provide information to the service regarding ~~waste~~
26 ~~reduction~~ POLLUTION PREVENTION technology.

1 ~~(c) Review applications and make recommendations to the~~
2 ~~director regarding grants available pursuant to sections 14505~~
3 ~~and 14506.~~

4 SEC. 14511. THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

5 (A) IDENTIFY ALL DEPARTMENT REQUIREMENTS FOR REPORTING ON
6 TOXICS USE, RELEASE, AND DISPOSAL, AND TO THE MAXIMUM EXTENT POS-
7 SIBLE STANDARDIZE, CONSOLIDATE, AND COORDINATE THESE REPORTING
8 REQUIREMENTS TO MINIMIZE UNNECESSARY DUPLICATION.

9 (B) TO THE EXTENT POSSIBLE, COORDINATE INFORMATION ABOUT THE
10 MANUFACTURE, DISTRIBUTION, PROCESS, SALE, STORAGE, DISPOSAL,
11 RELEASE, OR OTHER USE OF TOXICS ON A COMPUTER SYSTEM TO PROVIDE
12 RELIABLE AND ACCESSIBLE INFORMATION ACROSS THE STATE TO AID IN
13 STANDARDIZING THE INSPECTION, ENFORCEMENT, AND OTHER ACTIVITIES
14 OF THE STATE. THE DEPARTMENT SHALL ALSO COOPERATE WITH AND MAKE
15 THIS INFORMATION READILY AVAILABLE THROUGH COMPUTER CONNECTIONS
16 AND OTHER MEANS TO THE PUBLIC, THE CLEAN MANUFACTURING AND POLLU-
17 TION PREVENTION INSTITUTE ESTABLISHED UNDER PART 142, THE ENVI-
18 RONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF THE ATTORNEY
19 GENERAL, AND OTHER STATE AGENCIES AND FACILITY OPERATORS.

20 (C) DETERMINE WHICH POLLUTION PREVENTION EFFORTS ARE SUFFI-
21 CIENT TO MEET THE REQUIREMENTS OF PART 37 OR PART 59 FOR PURPOSES
22 OF RECEIVING A TAX EXEMPTION CERTIFICATE.

23 (D) CONDUCT RESEARCH ON POLLUTION PREVENTION TRENDS WITHIN
24 EACH OF THE STANDARD INDUSTRIAL CLASSIFICATION INDUSTRY GROUPS.
25 WITHIN 5 YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
26 DEPARTMENT SHALL PREPARE AND MAKE AVAILABLE TO THE PUBLIC A
27 POLLUTION PREVENTION PROFILE REPORT FOR EACH OF THE STANDARD

1 INDUSTRIAL CLASSIFICATION INDUSTRY GROUPS AND, IF WARRANTED BY
2 THE RESEARCH, MAKE RECOMMENDATIONS FOR ACTIONS TO INCREASE POLLU-
3 TION PREVENTION AND TOXICS USE REDUCTION ACTIVITIES AT THOSE
4 FACILITIES.

5 (E) SUBMIT A REPORT TO THE STANDING COMMITTEES OF THE LEGIS-
6 LATURE THAT PRIMARILY CONSIDER ISSUES PERTAINING TO THE PROTEC-
7 TION OF NATURAL RESOURCES AND THE ENVIRONMENT ON THE DEPARTMENT'S
8 FINDINGS REGARDING PROGRESS IN AND EXPECTED PROGRESS IN POLLUTION
9 PREVENTION AND EMISSIONS REDUCTION IN THE STATE.

10 SEC. 14512. THE DEPARTMENT SHALL WORK WITH THE DEPARTMENT
11 OF COMMUNITY HEALTH AND THE DEPARTMENT OF CONSUMER AND INDUSTRY
12 SERVICES TO COORDINATE THE IMPLEMENTATION OF THIS PART.

13 Enacting section 1. Sections 14505, 14506, and 14509 of the
14 natural resources and environmental protection act, 1994 PA 451,
15 MCL 324.14505, 324.14506, and 324.14509, are repealed.