

Act No. 247
Public Acts of 2008
Approved by the Governor*
July 17, 2008
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*Item Vetoes

Sec. 102. EXECUTIVE OPERATIONS AND DEPARTMENT SUPPORT

Environmental ombudsman \$ 250,000 (Page 3)

Sec. 231.

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**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008**

Introduced by Senator Garcia

ENROLLED SENATE BILL No. 1097

AN ACT to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of environmental quality for the fiscal year ending September 30, 2009, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF ENVIRONMENTAL QUALITY

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0		
Full-time equated classified positions	1,520.7		
GROSS APPROPRIATION		\$	363,953,700
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			18,890,200
ADJUSTED GROSS APPROPRIATION		\$	345,063,500
Federal revenues:			
Total federal revenues			130,636,100
Special revenue funds:			
Total local revenues			0
Total private revenues			455,700
Total other state restricted revenues			169,559,900
State general fund/general purpose		\$	44,411,800
FUND SOURCE SUMMARY:			
Full-time equated unclassified positions	6.0		
Full-time equated classified positions	1,520.7		
GROSS APPROPRIATION		\$	363,953,700
Interdepartmental grant revenues:			
IDG-MDCH, local public health operations			10,472,500

	For Fiscal Year Ending Sept. 30, 2009
IDG-MDSP	\$ 883,200
IDG, Michigan transportation fund	1,066,900
IDT, interdivisional charges	2,053,400
IDT, laboratory services	4,414,200
Total interdepartmental grants and intradepartmental transfers	18,890,200
ADJUSTED GROSS APPROPRIATION	\$ 345,063,500
Federal revenues:	
DHHS, federal	6,200
DHS, federal	3,293,800
DOC-NOAA, federal	3,779,400
DOD, federal	1,202,700
DOI, federal	595,300
EPA, multiple	121,758,700
Total federal revenues	130,636,100
Special revenue funds:	
Private funds	455,700
Total private revenues	455,700
Aboveground storage tank fees	363,200
Air emissions fees	9,344,200
Aquifer protection revolving fund	400,000
Campground fund	238,900
Clean Michigan initiative - administration	120,100
Clean Michigan initiative - clean water fund	4,615,800
Cleanup and redevelopment fund	12,428,500
Community pollution prevention fund	250,000
Environmental pollution prevention fund	944,400
Environmental protection fund	3,919,300
Environmental response fund	6,320,400
Fees and collections	446,500
Financial instruments	5,000,000
Great Lakes protection fund	1,605,800
Groundwater discharge permit fees	1,120,200
Hazardous materials transportation permit fund	219,700
Infrastructure construction fund	398,000
Laboratory data quality recognition fund	16,100
Land and water permit fees	1,057,600
Landfill maintenance trust fund	56,200
Medical waste emergency response fund	240,900
Metallic mining surveillance fee revenue	94,200
Mineral well regulatory fee revenue	172,500
Nonferrous metallic mineral surveillance	221,700
NPDES fees	3,378,100
Oil and gas regulatory fund	7,860,300
Orphan well fund	2,053,100
Public swimming pool fund	544,300
Public utility assessments	787,400
Public water supply fees	3,962,900
Publication revenue	120,700
Refined petroleum fund	30,724,700
Restricted funds	17,600,700
Retired engineers technical assistance fund	1,474,300
Revitalization revolving loan fund	84,600
Revolving loan revenue bonds	11,400,000
Saginaw Bay and River restoration revenue	175,800
Sand extraction fee revenue	198,600
Scrap tire regulatory fund	5,852,000
Septage waste contingency fund	38,000
Septage waste program fund	722,000

		For Fiscal Year Ending Sept. 30, 2009
Settlement funds.....	\$	2,106,400
Sewage sludge land application fee		855,400
Small business pollution prevention revolving loan fund.....		108,200
Soil erosion and sedimentation control training fund		115,400
Solid waste program fees		4,014,400
Stormwater permit fees		2,814,900
Strategic water quality initiatives fund		10,000,000
Underground storage tank fees		2,134,300
Waste reduction fee revenue.....		3,909,900
Wastewater operator training fees		172,800
Water analysis fees		3,328,400
Water pollution control revolving fund		3,081,000
Water quality protection fund.....		100,000
Water use reporting fees		247,100
Total other state restricted revenues		169,559,900
State general fund/general purpose	\$	44,411,800

Sec. 102. EXECUTIVE OPERATIONS AND DEPARTMENT SUPPORT

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	83.0	
Unclassified salaries—6.0 FTE positions	\$	587,600
Administrative hearings.....		446,400
Automated data processing		2,053,400
Central operations—58.0 FTE positions		5,272,300
Environmental ombudsman		250,000
Environmental support projects.....		5,000,000
Executive direction—18.0 FTE positions		2,316,100
Internal audit services.....		228,500
Office of the Great Lakes—7.0 FTE positions.....		1,053,200
Building occupancy charges.....		7,116,600
Rent - privately owned property.....		2,145,900
GROSS APPROPRIATION.....	\$	26,470,000
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDSP.....		112,300
IDT, interdivisional charges		2,053,400
IDT, laboratory services		472,800
Federal revenues:		
DOC-NOAA, federal		22,600
DOI, federal		160,900
EPA, multiple.....		195,200
Special revenue funds:		
Financial instruments		5,000,000
Great Lakes protection fund		605,800
Restricted funds.....		12,394,500
Settlement funds.....		104,900
State general fund/general purpose	\$	5,347,600

Sec. 103. AIR QUALITY

Full-time equated classified positions	236.5	
Air quality programs—236.5 FTE positions.....	\$	26,092,000
GROSS APPROPRIATION.....	\$	26,092,000
Appropriated from:		
Federal revenues:		
DHS, federal.....		1,708,400
EPA, multiple.....		4,492,700
Special revenue funds:		
Air emissions fees.....		8,952,900

		For Fiscal Year Ending Sept. 30, 2009
Environmental response fund	\$	106,700
Fees and collections		301,600
Oil and gas regulatory fund		108,200
Refined petroleum fund		2,864,800
State general fund/general purpose	\$	7,556,700

Sec. 104. ENVIRONMENTAL SCIENCE AND SERVICES

Full-time equated classified positions	175.0	
Program services and grant management—30.0 FTE positions	\$	4,000,900
Laboratory services—60.0 FTE positions		7,045,800
Municipal assistance—37.0 FTE positions		5,323,900
Pollution prevention and technical assistance—48.0 FTE positions		5,017,200
Pollution prevention outreach		300,000
Retired engineers technical assistance program		1,474,300
GROSS APPROPRIATION	\$	23,162,100

Appropriated from:

Interdepartmental grant revenues:

IDT, laboratory services	3,790,500
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Federal revenues:

DOC-NOAA, federal	454,800
EPA, multiple	3,445,800

Special revenue funds:

Private funds	300,000
Air emissions fees	391,300
Environmental protection fund	68,900
Environmental response fund	665,100
Laboratory data quality recognition fund	16,100
Public water supply fees	253,000
Retired engineers technical assistance fund	1,474,300
Revitalization revolving loan fund	84,600
Settlement funds	235,200
Small business pollution prevention revolving loan fund	108,200
Stormwater permit fees	95,900
Strategic water quality initiatives fund	400,000
Waste reduction fee revenue	3,835,000
Wastewater operator training fees	172,800
Water analysis fees	3,328,400
Water pollution control revolving fund	2,409,100
State general fund/general purpose	\$ 1,633,100

Sec. 105. OFFICE OF GEOLOGICAL SURVEY

Full-time equated classified positions	67.0	
Coal and sand dune management—2.0 FTE positions	\$	627,000
Metallic mine reclamation—1.0 FTE position		94,200
Mineral wells management—2.0 FTE positions		247,400
Nonferrous metallic mining—2.0 FTE positions		221,700
Orphan well—2.0 FTE positions		2,053,100
Services to oil and gas—58.0 FTE positions		7,509,500
GROSS APPROPRIATION	\$	10,752,900

Appropriated from:

Federal revenues:

DOI, federal	428,400
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Special revenue funds:

Metallic mining surveillance fee revenue	94,200
Mineral well regulatory fee revenue	172,500
Nonferrous metallic mineral surveillance	221,700
Oil and gas regulatory fund	7,388,800

		For Fiscal Year Ending Sept. 30, 2009
Orphan well fund	\$	2,053,100
Publication revenue		120,700
Sand extraction fee revenue		198,600
State general fund/general purpose	\$	74,900

Sec. 106. LAND AND WATER MANAGEMENT

Full-time equated classified positions	121.0	
Program direction—6.0 FTE positions	\$	944,100
Field permitting and project assistance—72.0 FTE positions		7,549,600
Great Lakes shorelands—24.0 FTE positions		2,672,700
Water management—19.0 FTE positions		2,702,900
GROSS APPROPRIATION	\$	13,869,300
Appropriated from:		
Interdepartmental grant revenues:		
IDG, Michigan transportation fund		1,012,300
Federal revenues:		
DHS, federal		1,003,500
DOC-NOAA, federal		1,515,800
EPA, multiple		1,052,100
Special revenue funds:		
Land and water permit fees		705,100
State general fund/general purpose	\$	8,580,500

Sec. 107. REMEDIATION AND REDEVELOPMENT

Full-time equated classified positions	285.0	
Contaminated site investigation, cleanup, and revitalization—225.0 FTE positions	\$	23,005,400
Federal cleanup project management—60.0 FTE positions		8,411,400
Emergency cleanup actions		4,000,000
Refined petroleum product cleanup program		20,000,000
Environmental cleanup support		2,340,000
Superfund cleanup		4,000,000
GROSS APPROPRIATION	\$	61,756,800
Appropriated from:		
Federal revenues:		
DHHS, federal		6,200
DOD, federal		1,174,500
EPA, multiple		8,403,500
Special revenue funds:		
Private funds		155,700
Cleanup and redevelopment fund		12,428,500
Environmental protection fund		3,850,400
Environmental response fund		5,248,000
Landfill maintenance trust fund		56,200
Refined petroleum fund		26,813,500
Settlement funds		1,516,300
State general fund/general purpose	\$	2,104,000

Sec. 108. WASTE AND HAZARDOUS MATERIALS

Full-time equated classified positions	173.0	
Aboveground storage tank program—8.0 FTE positions	\$	762,900
Hazardous waste management program—60.0 FTE positions		6,497,200
Low-level radioactive waste authority—2.0 FTE positions		787,400
Medical waste program—2.0 FTE positions		240,900
Radiological protection program—12.0 FTE positions		1,423,100
Scrap tire regulatory program—11.0 FTE positions		1,066,800
Solid waste management program—45.0 FTE positions		4,587,700
Underground storage tank program—33.0 FTE positions		3,402,900
GROSS APPROPRIATION	\$	18,768,900

Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDSP	\$ 742,900
Federal revenues:	
EPA, multiple.....	4,027,500
Special revenue funds:	
Aboveground storage tank fees	363,200
Environmental pollution prevention fund.....	944,400
Hazardous materials transportation permit fund.....	219,700
Medical waste emergency response fund.....	240,900
Public utility assessments	787,400
Scrap tire regulatory fund	1,066,800
Solid waste program fees	4,014,400
Underground storage tank fees	2,134,300
Waste reduction fee revenue.....	74,900
State general fund/general purpose	\$ 4,152,500

Sec. 109. WATER

Full-time equated classified positions.....	358.2
Aquifer protection program.....	\$ 350,000
Aquifer protection and dispute resolution - IDG to Michigan department of agriculture.....	50,000
Drinking water and environmental health—120.0 FTE positions.....	16,176,600
Expedited water/wastewater permits—3.0 FTE positions	398,000
Fish contaminant monitoring	316,100
Groundwater discharge—22.0 FTE positions	2,968,900
NPDES nonstormwater program—98.2 FTE positions.....	11,023,900
Sewage sludge land application program—6.0 FTE positions.....	855,400
Surface water—102.0 FTE positions	15,204,500
Water withdrawal assessment program—7.0 FTE positions.....	895,000
GROSS APPROPRIATION.....	\$ 48,238,400

Appropriated from:	
Federal revenues:	
EPA, multiple.....	18,164,800
Special revenue funds:	
Aquifer protection revolving fund.....	400,000
Campground fund	238,900
Clean Michigan initiative - administration.....	120,100
Clean Michigan initiative - clean water fund.....	3,715,800
Environmental response fund	168,100
Fees and collections	144,900
Groundwater discharge permit fees.....	1,120,200
Infrastructure construction fund	398,000
Land and water permit fees	352,500
NPDES fees	3,378,100
Public swimming pool fund	544,300
Public water supply fees	2,309,900
Refined petroleum fund.....	962,700
Saginaw Bay and River restoration revenue	175,800
Septage waste contingency fund.....	38,000
Septage waste program fund.....	322,000
Sewage sludge land application fee.....	855,400
Soil erosion and sedimentation control training fund	115,400
Stormwater permit fees	2,719,000
Water pollution control revolving fund	671,900
Water use reporting fees	247,100
State general fund/general purpose	\$ 11,075,500

Sec. 110. CRIMINAL INVESTIGATIONS

Full-time equated classified positions.....	22.0	
Environmental investigations—22.0 FTE positions.....	\$	2,585,900
GROSS APPROPRIATION.....	\$	2,585,900
Appropriated from:		
Federal revenues:		
DHS, federal.....		557,400
EPA, multiple.....		154,000
Special revenue funds:		
Environmental response fund		132,500
Oil and gas regulatory fund.....		363,300
Scrap tire regulatory fund		285,200
State general fund/general purpose	\$	1,093,500

Sec. 111. GRANTS

Coastal management grants	\$	2,000,000
Federal - Great Lakes remedial action plan grants		700,000
Federal - nonpoint source water pollution grants		6,500,000
Grants to counties - air pollution		83,700
Radon grants		90,000
Water pollution control and drinking water revolving fund.....		85,202,400
Drinking water program grants		1,330,000
Great Lakes research and protection grants.....		1,000,000
Local health department operations		10,472,500
Noncommunity water grants.....		1,400,000
Pollution prevention local grants		250,000
Real-time water quality monitoring		250,000
Septage waste compliance grants.....		400,000
Scrap tire grants.....		4,500,000
Strategic water quality initiative loans		9,600,000
Village of Chesaning, water pollution control grant		900,000
Water quality protection grants		100,000
GROSS APPROPRIATION.....	\$	124,778,600
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDCH, local public health operations		10,472,500
Federal revenues:		
DOC-NOAA, federal		1,700,000
EPA, multiple.....		80,463,000
Special revenue funds:		
Clean Michigan initiative - clean water fund.....		900,000
Community pollution prevention fund		250,000
Great Lakes protection fund		1,000,000
Public water supply fees		1,400,000
Refined petroleum fund.....		83,700
Revolving loan revenue bonds		11,400,000
Scrap tire regulatory fund		4,500,000
Septage waste program fund.....		400,000
Settlement funds.....		250,000
Strategic water quality initiatives fund		9,600,000
Water quality protection fund.....		100,000
State general fund/general purpose	\$	2,259,400

Sec. 112. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$	7,478,800
GROSS APPROPRIATION.....	\$	7,478,800
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDSP.....		28,000

		For Fiscal Year Ending Sept. 30, 2009
IDG, Michigan transportation fund	\$	54,600
IDT, laboratory services		150,900
Federal revenues:		
DHS, federal		24,500
DOC-NOAA, federal		86,200
DOD, federal		28,200
DOI, federal		6,000
EPA, multiple		1,360,100
Special revenue funds:		
Restricted funds		5,206,200
State general fund/general purpose	\$	534,100

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2008-2009 is \$213,971,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2008-2009 is \$5,200,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF ENVIRONMENTAL QUALITY

GRANTS

Noncommunity water grants	\$	1,400,000
Scrap tire grants		2,250,000
Septage waste compliance program		400,000
Village of Chesaning, water pollution control grant		900,000
Real-time water quality monitoring		250,000
TOTAL	\$	5,200,000

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "Department" means the department of environmental quality.
- (b) "DHHS" means the United States department of health and human services.
- (c) "DHS" means the United States department of homeland security.
- (d) "DOC" means the United States department of commerce.
- (e) "DOC-NOAA" means the DOC national oceanic and atmospheric administration.
- (f) "DOD" means the United States department of defense.
- (g) "DOI" means the United States department of interior.
- (h) "EPA" means the United States environmental protection agency.
- (i) "FTE" means full-time equated.
- (j) "IDG" means interdepartmental grant.
- (k) "IDT" means intradepartmental transfer.
- (l) "MDCH" means the Michigan department of community health.
- (m) "MDSP" means the Michigan department of state police.
- (n) "NPDES" means national pollutant discharge elimination system.

Sec. 204. The civil service commission shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director shall grant exceptions to the hiring freeze described in subsection (1) when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause a loss of revenue to the state, result in the inability of the state to receive federal funds, or would necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 206. The department shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 207. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports. To the extent consistent with federal and state guidelines, the requirements of this section are satisfied if the reports funded from appropriations in part 1 are retained in electronic format.

Sec. 208. By February 15, 2009, the department shall provide the state budget director, the subcommittees on environmental quality of the senate and house appropriations committees, and the senate and house fiscal agencies with an annual report on restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2008 and September 30, 2009.

Sec. 209. (1) From funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant or loan or grant and loan programs administered by the department for the fiscal year ending September 30, 2009:

- (a) The name of each program.
 - (b) The goals of the program, the criteria, eligibility, process, filing fees, nominating procedures, and deadlines for each program.
 - (c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.
 - (d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.
 - (e) Information pertaining to the application process, timeline for each program, and the contact people within the department.
 - (f) The source of funds for each program, including the citation of pertinent authorizing acts.
 - (g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.
 - (h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan.
- (2) The reports required under this section shall be submitted to the state budget office, the senate and house appropriations committees, and the senate and house fiscal agencies by January 1, 2009.

Sec. 210. (1) The department shall report all of the following information relative to allocations made from appropriations for the environmental cleanup and redevelopment program, state cleanup, emergency actions, superfund cleanup, the revitalization revolving loan program, the brownfield grants and loans program, the leaking underground storage tank cleanup program, the contaminated lake and river sediments cleanup program, the refined petroleum product cleanup program, and the environmental protection bond projects under section 19508(7) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19508, to the state budget director, the senate and house appropriations subcommittees on environmental quality, and the senate and house fiscal agencies:

- (a) The name and location of the site for which an allocation is made.
- (b) The nature of the problem encountered at the site.

- (c) A brief description of how the problem will be resolved if the allocation is made for a response activity.
- (d) The estimated date that site closure activities will be completed.
- (e) The amount of the allocation, or the anticipated financing for the site.
- (f) A summary of the sites and the total amount of funds expended at the sites at the conclusion of the fiscal year.
- (g) The number of sites that would qualify as brownfields that were redeveloped.

(2) The report prepared under subsection (1) shall also include all of the following:

(a) The status of all state-owned facilities that are on the list compiled under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142.

(b) The report shall include the total amount of funds expended during the fiscal year and the total amount of funds awaiting expenditure.

(c) The total amount of bonds issued for the environmental protection bond program pursuant to part 193 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19301 to 324.19306, and bonds issued pursuant to the clean Michigan initiative act, 1998 PA 284, MCL 324.95101 to 324.95108.

(3) The report shall be made available by March 31 of each year.

Sec. 211. (1) The department of environmental quality is authorized to expend amounts remaining from the current and prior fiscal year appropriations to meet funding needs of legislatively approved sites for the environmental cleanup and redevelopment program, the leaking underground storage tank cleanup program, and the refined petroleum product cleanup program.

(2) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection bond fund contained in 2003 PA 173 and 2006 PA 343 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(3) Unexpended and unencumbered amounts remaining from appropriations from the cleanup and redevelopment fund and unclaimed bottle deposits fund contained in 2003 PA 171, 2003 PA 173, 2003 PA 237, and 2004 PA 350 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(4) Unexpended and unencumbered amounts remaining from appropriations from the clean Michigan initiative fund - response activities contained in 2000 PA 506, 2001 PA 120, 2003 PA 173, 2003 PA 237, 2004 PA 309, 2004 PA 350, 2005 PA 11, 2006 PA 343, and 2007 PA 121 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(5) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection fund contained in 2001 PA 43, 2002 PA 520, 2003 PA 171, and 2004 PA 350 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(6) Unexpended and unencumbered amounts remaining from appropriations from the refined petroleum fund activities contained in 2005 PA 154 and 2007 PA 121 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

Sec. 212. Of the money appropriated from the environmental education fund in part 1, \$5,000.00 shall be allocated to Michigan State University Extension Service - 4-H Youth Programs to fund the Michigan Youth Conservation Council.

Sec. 213. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 214. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 215. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2009 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the senate and house of representatives standing committees on appropriations.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the senate and house of representatives standing committees on appropriations, the senate and house fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state-restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 216. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference shall be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality. In addition, preference shall be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned or operated by veterans, if they are competitively priced and of comparable quality.

Sec. 217. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 218. Unexpended settlement revenues at the end of the fiscal year may be carried forward into the settlement fund in the succeeding fiscal year up to a maximum carryforward of \$2,500,000.00.

Sec. 219. (1) The appropriation in section 102 includes \$12,394,500.00 from restricted funds. This funding source shall support the restricted fund requirements, pursuant to subsection (3), for selected line items in the executive operations and administrative support appropriation unit.

(2) The appropriation in section 112 includes \$5,206,200.00 from restricted funds. This funding source shall support the restricted fund requirements, pursuant to subsection (3), for the information technology appropriation.

(3) The department shall adopt a cost allocation plan for revenue sources supporting line items listed in sections 102 and 112.

(4) The department shall provide a report on or before October 31, 2008 to the house and senate appropriations subcommittees on environmental quality and the house and senate fiscal agencies of the line item amounts and detailed revenue sources which support the restricted fund appropriations in sections 102 and 112.

Sec. 220. The department shall not take disciplinary action against an employee for communicating truthfully and factually with a member of the legislature or his or her staff.

Sec. 221. The department shall annually report and post on its website by December 31 to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies an accounting of all civil and criminal fine revenue collected during the previous fiscal year.

Sec. 223. (1) The department shall report no later than April 1, 2009 on each specific policy change made by the department to implement a public act affecting that department that took effect during the preceding calendar year. The department shall report to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

Sec. 224. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 225. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$30,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 226. The department shall not approve the travel of more than 1 departmental employee to a specific professional development conference or training seminar that is located outside of this state unless the professional development conference or training seminar is funded by a federal or private funding source and requires more than 1 person from a department to attend, or the conference or training seminar includes multiple issues in which 1 employee from the department does not have expertise.

Sec. 227. By April 1, 2009, the department shall submit to the senate and house appropriations subcommittees on environmental quality, the senate and house fiscal agencies, and the state budget director a plan for replacement of failing or obsolete computer and database systems, including a schedule for system replacement and cost estimates.

Sec. 228. If funding is available to support the information technology necessary for implementation, the department shall develop, post, and maintain a user friendly and publicly accessible Internet site with all expenditures made by the department within a fiscal year. The posting shall include the purpose for which each expenditure is made.

Sec. 229. Semiannually, the department shall notify the senate and house appropriation subcommittees on environmental quality, the senate and house fiscal agencies, and the state budget director of all requests made of the department under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, during the previous 6 months.

Sec. 230. (1) It is the intent of the legislature that the department issue the necessary permits to construct a lake level control structure on Muskrat Lake in Clinton County for the purpose of restoring the water level to a level that allows use of the existing public boat dock.

(2) By February 1, 2009, the department shall notify the senate and house appropriation subcommittees on environmental quality, the senate and house fiscal agencies, and the state budget director of the status of the permits and the water level of Muskrat Lake.

Sec. 231. (1) The expenditure of the appropriation in part 1 for an environmental ombudsman is contingent upon enactment of legislation to create an environmental ombudsman in the legislative council.

(2) It is the intent of the legislature that the first issue addressed by the environmental ombudsman is investigation into citizen complaints regarding the wetlands program.

ENVIRONMENTAL SCIENCE AND SERVICES

Sec. 401. Revenues remaining in the interdepartmental transfers, laboratory services at the end of the fiscal year shall carry forward into the succeeding fiscal year.

Sec. 402. By July 1, 2009, the department shall prepare and submit a report to the state budget director, the legislature, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations for the department of environmental quality, outlining the implementation of the Great Lakes water quality bond provided for in part 197 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19701 to 324.19708, including, but not limited to, the amount of bonds issued and the date they were issued, the number of applications received for loans from the state water pollution control revolving fund created in section 16a of the shared credit rating act, 1985 PA 227, MCL 141.1066a, the total amount of loans requested, a listing of the applicants receiving loans and the total amount of loans provided to those applicants, a listing of applicants whose loan applications were not approved and the reasons why those applications were not approved, the amount of the loans granted that were leveraged from bond proceeds, and the remaining bond proceeds and bond authorization.

Sec. 403. (1) There is appropriated \$2,000,000.00 from the environmental protection fund created in section 503a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.503a, to reimburse retailers for the cost of retrofitting existing reverse vending machines to accept Michigan-only returnable beverage containers. Funds may be carried forward into fiscal year 2009-2010 for this purpose if the total \$2,000,000.00 is not expended in fiscal year 2008-2009.

(2) For the fiscal year ending September 30, 2009, \$2,000,000.00 in the cleanup and redevelopment trust fund created in section 3e of 1976 IL 1, MCL 445.573e, is hereby appropriated and transferred to the environmental protection fund.

OFFICE OF GEOLOGICAL SURVEY

Sec. 501. It is the intent of the legislature that the office of geological survey continue its work with Western Michigan University's department of geosciences to maintain core samples at the Michigan basin core research laboratory as part of the Michigan geological repository for research and education at Western Michigan University and it is encouraged to explore new opportunities for mutually beneficial research and collaboration between the department and the university.

REMEDIATION AND REDEVELOPMENT

Sec. 701. The unexpended funds appropriated in part 1 for emergency cleanup actions, the refined petroleum product cleanup program, and the environmental cleanup and redevelopment program are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the projects to be carried forward is to provide contaminated site cleanup.
- (b) The projects will be accomplished by contract.
- (c) The total estimated cost of all projects is identified in each line-item appropriation.
- (d) The tentative completion date is September 30, 2013.

Sec. 702. From funds appropriated in part 1 for activities related to cleanup sites under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142, the department shall incorporate into remedial action plans area-wide or site-specific cleanup criteria derived from peer-reviewed risk assessment based on bioavailability studies, site-specific human exposure data, and any other scientifically based risk assessment studies that are available and relevant. The department shall submit a report listing efforts made by the department to comply with this section. This report shall be provided to the house and senate appropriations subcommittees on environmental quality on or before January 1, 2009.

Sec. 703. The funds appropriated in part 1 for the refined petroleum product cleanup program shall be used to fund cleanup activities on the following sites:

Site Name	County
Phil's Sunoco	Alcona
Somers Inc.	Alcona
Laughing Whitefish Trading Post	Alger
Midway Resort Inc.	Alger
Fennville Feed Supply	Allegan
Bellaire Bay Mart	Antrim
Butch's Tackle & Marine	Antrim
Pickup Capitol of the North	Antrim
Res Wells Torch Lake Twp.	Antrim
Torch River Pit Stop	Antrim
Woodland Residential Wells	Barry
Lone Pine Party Store	Benzie
Res. Well Village of Honor	Benzie
Dave's Shell	Berrien
Frank's Pro Station	Berrien
Main & Fair, SW Corner	Berrien
Main & Ogden, NE Corner	Berrien
Schuler's Auto Repair	Berrien
Indian Lake Mini Super	Cass
Riggs Corner Store	Cass
Dockside Market	Charlevoix
Cook Corporation	Cheboygan
Mr. Mug's Donut Shop	Chippewa
Ackel's Car Care	Clinton
South End Mobil	Eaton
Farmers Petroleum Coop-Petoskey	Emmet
Central Distributing	Genesee
Fishermans Landing	Genesee
Flint, City of, 1818 N. Saginaw Street	Genesee
J&J Service Station	Genesee
Sunshine Foods #119 Burton	Genesee
Gazey Aleck Station	Gladwin
Winegars Trading Post	Gladwin
Evans Paint & Wallpaper	Grand Traverse
GJ's Party Store	Grand Traverse
Hoefflin Service Station	Grand Traverse
OTC Oil	Grand Traverse
Universal Car Wash II	Grand Traverse
Venture Investments	Grand Traverse
Woodland Shop and Go #175	Grand Traverse
Dunk's Garage	Huron
Port Austin Shell	Huron
Action Auto Inc.	Ingham
Former Clark #531	Ingham
Webberville Oil	Ingham
Gene Carr	Ionia
Goss Corner Store	Ionia
Justice Junction/Nancy Justice	Ionia
Barbier Oil Bulk Plant	Iosco
Bublitz Oil Full Service Oscoda	Iosco
Alamo General Store	Kalamazoo
McDonalds Crosstown Service	Kalamazoo
McLeieer Oil	Kalamazoo
Moore's Millwood Service	Kalamazoo
Davis Country Corners	Kalkaska
Taffletown Tavern	Kalkaska
Hucks Corner Inc.	Kent
Riverview, N Park, Hubbard St. area	Kent

Robinson Bulk Terminal	Kent
Uncle Lee's Trading Post/MRL Inc.	Kent
Bass Lake Store	Lake
Chase General Store	Lake
Lakeland Montessori School	Livingston
Leon Bonner Prop.	Livingston
Millies Market (dba Toms)	Livingston
Bob's Standard Service	Luce
Action Auto (Former)	Macomb
Montgomery Ward	Macomb
Arcadia Veteran's Mem. Marina	Manistee
Red Barn Market	Manistee
Greenwood Self Serve	Marquette
Harvey Oil Co., Inc.	Marquette
Joe & Son's Service	Marquette
Paton's Country Store	Marquette
Joes Tire Service/Ridderman Oil	Mecosta
Kregear's Service	Missaukee
The Landing	Missaukee
1034 Howard City Edmore Road	Montcalm
Amble Oil Co.	Montcalm
Beard Oil (Former)	Montcalm
Blackrick Service	Montcalm
Six Lakes General	Montcalm
Thelma Franklin	Montcalm
Mary D's Restaurant	Montmorency
Pointe Bait	Montmorency
Sports Center, Inc.	Montmorency
Bill's Auto & Stereo	Muskegon
Kelly's Corner Inc.	Muskegon
Laketon Auto Clinic	Muskegon
MDNR Real Estate, White Cloud	Newaygo
Up North Gift Co.	Newaygo
415 E. Hudson Ave.	Oakland
Emma Milner Property	Oakland
Farmers Petroleum Corp., Highland	Oakland
Jenny Ent/Wine Basket, Highland	Oakland
Little Caesar's Pizza, Ortonville	Oakland
Wayne Oakland Oil Company	Oakland
East Hart Party Store	Oceana
William Crawford Property	Oceana
Al's Service	Ogemaw
Franklin Forge Co.	Ogemaw
MDNR Main St. Lupton	Ogemaw
Rose City Feed and Tack	Ogemaw
Osceola Oil Company	Osceola
Family Book Shelf	Osceola
Jamestown Automotive Inc.	Ottawa
Big Mac's Market	Roscommon
Chapin General Store	Saginaw
Kuchers Service	Saginaw
Court Abandoned	Shiawassee
Former Sav-U Station	Shiawassee
Payless SuperAmerica	St. Joseph
Imlay City Gas and Oil	Tuscola
Lakeside Kwik Stop	Van Buren
A.S.E. Inc. dba S & S Shell	Washtenaw
Arbor Wash	Washtenaw
Cals Car Care Inc.	Wayne
Levan Party Store	Wayne
Mercury Manufacturing	Wayne

Reclamation Oil Company
Warren & Lakewood Service
Jacks Resort
Peterson's Standard
Village of Harrietta, 114 S. Davis Street

Wayne
Wayne
Wexford
Wexford
Wexford

Sec. 704. It is the intent of the legislature to repay the refined petroleum fund for the \$70,000,000.00 that was transferred to the environmental protection fund as part of the resolution for the fiscal year 2006-2007 budget.

Sec. 705. (1) The department shall work with the legislature to develop recommendations through an advisory workgroup process for the appropriate use of administrative rules and operational memoranda in the leaking underground storage tank program. This advisory workgroup shall do all of the following:

(a) Review and make recommendations if operational memoranda used by the department are necessary and used appropriately.

(b) Review and make recommendations regarding the rules, methods, policies, or procedures used to develop operational memoranda.

(c) Review and make recommendations regarding procedures for determining if an inspected organization has acted in accordance with operational memoranda.

(2) The workgroup under subsection (1) shall consist of 13 members, appointed as follows:

(a) Members of the senate and house appropriations subcommittees on environmental quality.

(b) Three members appointed by the senate majority leader, 1 each representing an independent petroleum wholesale distributor-marketer trade association, a petroleum refiner-supplier trade association, and a service station dealers' trade association.

(c) Three members appointed by the speaker of the house, 1 each representing a truck stop operators' trade association, an environmental public interest organization who is not associated with any of the above organizations, and the largest general farm organization in the state.

(d) The director of the department.

(3) The recommendations of the workgroup shall be submitted to the department, the senate and house appropriations subcommittees on environmental quality, the senate and house fiscal agencies, and the state budget director by December 31, 2008.

Sec. 706. The department shall not expend funds appropriated in part 1 if using operational memoranda or other similar documents that are in draft form to impose regulations on individuals or businesses conducting environmental cleanup projects, except as provided in part 213 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.21301 to 324.21331, or when there is written consent between the department and the individual or business.

WASTE AND HAZARDOUS MATERIALS

Sec. 801. It is the intent of the legislature that the recommendations of the site review board, as established in section 11117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11117, are the final approval for each site construction permit application that is referred to the board by the department.

WATER

Sec. 901. By February 1, 2009, the department shall submit a report on the department's use of the national pollutant discharge elimination system fund created in MCL 324.3121 for the previous fiscal year, to the senate and house appropriations subcommittees on environmental quality, the standing committees of the legislature with jurisdiction over issues primarily related to natural resources and the environment, and the senate and house fiscal

agencies. The report shall include a summary of how the appropriations in part 1 for NPDES nonstormwater program were used for the various permissible uses of the fund and shall include specific information on all of the following:

(a) The number of compliance and complaint inspections completed, by category, the number of on-site compliance inspections conducted, and the number of compliance inspections that were not announced in advance to the permittee or licensee.

(b) The number and percent of permit and license inspections that were found to be in significant noncompliance, by category.

(c) The number of administrative enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(d) The number of judicial enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(e) A listing of the supplemental environmental projects agreed to as a result of a consent agreement including all of the following: the case name, the monetary value of the supplemental environmental project, and a description of the project.

Sec. 902. The unexpended portion of funds appropriated in part 1 of 2004 PA 309 for the contaminated lake and river sediments cleanup program are appropriated for the same purpose for the fiscal year ending September 30, 2009.

Sec. 903. It is the intent of the legislature that the department continue federal support of the Michigan agriculture environmental assurance program and the work with small and medium livestock operations in the department of agriculture. Any reduction in the level of federal support from 319 funds shall be reduced proportionally from all programs that were supported by that federal grant in the fiscal year ending September 30, 2008.

GRANTS

Sec. 1101. If a certified health department does not exist in a city, county, or district or does not fulfill its responsibilities under part 117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11701 to 324.11720, then the department may spend funds appropriated in part 1 under the septage waste compliance program in accordance with section 11716 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11716.

Sec. 1102. Of the funds appropriated in part 1 for scrap tire grants, \$100,000.00 shall be available for grants to communities to cover scrap tire fire suppression costs, provided owner liability bonds and other available funding sources have been exhausted.

Sec. 1103. (1) The appropriation in part 1 for real-time water quality monitoring is a grant to Macomb County and St. Clair County to support a real-time water quality monitoring program in the St. Clair watershed. By September 30, 2009, the grant recipients shall report to the department on the plan's implementation and the status of the project. The department shall forward the report to the state budget director, the senate and house appropriations subcommittees on environmental quality, the senate and house standing committees on natural resources and environmental issues, and the senate and house fiscal agencies.

(2) The funding appropriated in part 1 for real-time water quality monitoring is contingent upon both of the following:

(a) Submission by October 1, 2008 of a report by the grant recipient on the status of the project and use of prior funding provided by the state and other fund sources for this project.

(b) Submission by December 31, 2008 of a plan by the grant recipient for long-term funding of operation and maintenance of the real-time monitoring system for the Huron-Erie corridor. The funding plan shall not require state funds for more than 50% of total funding for the project and not more than \$250,000.00 annually.

Sec. 1104. The appropriation in part 1 for the village of Chesaning, water pollution control grant, shall be used only for pollution control activities pursuant to section 8807 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8807. A detailed work plan for these activities shall be provided by the grantee and approved by the department as part of the grant agreement with the department. The appropriation shall not be used for recreational or economic development activities. The grantee shall obtain all necessary state, federal, and local permits and authorizations, including, but not limited to, permits required under part 301 and part 315 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.301 to 324.30113 and 324.31501 to 324.31529.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Richard J. Brown

Clerk of the House of Representatives

Approved _____

Governor