

# HOUSE BILL NO. 6189

June 09, 2022, Introduced by Reps. VanWoerkom, Steven Johnson, Tisdell, Bollin, Beeler, Meerman, Calley, Rendon, Bellino, Hoitenga, Lightner, Clements, Outman, Eisen, Allor and Alexander and referred to the Committee on Oversight.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 11550 (MCL 324.11550), as amended by 2020 PA  
201; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 11550. (1) The solid waste management fund is created  
2       within the state treasury. The state treasurer may receive money  
3       from any source for deposit into the fund. The state treasurer  
4       shall direct the investment of the fund. The state treasurer shall

1 credit to the fund interest and earnings from fund investments. The  
2 department shall be the administrator of the fund for auditing  
3 purposes.

4 (2) Money in the solid waste management fund at the close of  
5 the fiscal year shall remain in the fund and shall not lapse to the  
6 general fund.

7 (3) The state treasurer shall establish, within the solid  
8 waste management fund, a solid waste staff account and a perpetual  
9 care account.

10 (4) Subject to subsection (5), money shall be expended from  
11 the solid waste staff account, upon appropriation, only for the  
12 following purposes:

13 (a) Preparing generally applicable guidance regarding the  
14 solid waste permit and license program or its implementation or  
15 enforcement.

16 (b) Reviewing and acting on any application for a permit or  
17 license, permit or license revision, or permit or license renewal,  
18 including the cost of public notice and public hearings.

19 (c) ~~Performing~~**Providing** an advisory analysis under section  
20 11510(1).

21 (d) General administrative costs of running the permit and  
22 license program **under this part**, including permit and license  
23 tracking and data entry.

24 (e) Inspection of licensed disposal areas and open dumps.

25 (f) Implementing and enforcing the conditions of any permit or  
26 license.

27 (g) Groundwater monitoring audits at disposal areas ~~which~~**that**  
28 are or have been licensed under this part.

29 (h) Reviewing and acting upon corrective action plans for

1 disposal areas which are or have been licensed under this part.

2 (i) Review of certifications of closure **under this part.**

3 (j) Postclosure maintenance and monitoring inspections and  
4 review **under this part.**

5 (k) Review of bonds and financial assurance documentation at  
6 disposal areas which are or have been licensed under this part.

7 ~~(5) For the fiscal year ending September 30, 2020, only,~~  
8 ~~\$2,000,000.00 of the money in the solid waste staff account of the~~  
9 ~~solid waste management fund is transferred to and must be deposited~~  
10 ~~in the general fund.~~

11 **(5)** ~~(6)~~ Money shall be expended from the perpetual care  
12 account, upon appropriation, only for the following activities at  
13 disposal areas that are or have been licensed under this part:

14 (a) To conduct postclosure maintenance and monitoring ~~at a~~  
15 ~~disposal area~~ if the owner or operator is no longer required to do  
16 so.

17 (b) To conduct closure, ~~or~~ postclosure maintenance and  
18 monitoring, and **necessary** corrective action if ~~necessary, at a~~  
19 ~~disposal area where~~ the owner or operator has failed to do so.  
20 Money shall be expended from the account only after funds from any  
21 perpetual care fund or other financial assurance mechanisms held by  
22 the owner or operator have been expended and the department has  
23 made reasonable efforts to obtain funding from other sources.

24 **(6)** ~~(7)~~ By March 1 annually, the department shall prepare and  
25 submit to the governor, the legislature, the chairs of the standing  
26 committees of the senate and house of representatives with primary  
27 responsibility for issues related to natural resources and the  
28 environment, and the chairs of the subcommittees of the senate and  
29 house appropriations committees with primary responsibility for

1 appropriations to the department a report that details the  
2 activities of the previous fiscal year funded by the staff account  
3 of the solid waste management fund. This report shall include, at a  
4 minimum, all of the following as ~~it relates~~ **they apply** to the  
5 department:

6 (a) The number of full-time equated positions performing solid  
7 waste management permitting, compliance, and enforcement  
8 activities.

9 (b) All of the following information related to the  
10 construction permit applications received under section 11509:

11 (i) The number of applications received by the department,  
12 reported as the number of applications determined to be  
13 administratively incomplete and the number determined to be  
14 administratively complete.

15 (ii) The number of applications determined to be  
16 administratively complete for which a final action was taken by the  
17 department. The number of final actions shall be reported as the  
18 number of applications approved, the number of applications denied,  
19 and the number of applications withdrawn by the applicant.

20 (iii) The percentage and number of applications determined to be  
21 administratively complete for which a final decision was made  
22 within the period required by part 13.

23 (c) All of the following information related to the operating  
24 license applications received under section 11512:

25 (i) The number of applications received by the department,  
26 reported as the number of applications determined to be  
27 administratively incomplete and the number determined to be  
28 administratively complete.

29 (ii) The number of applications determined to be

1 administratively complete for which a final action was taken by the  
 2 department. The number of final actions shall be reported as the  
 3 number of applications approved, the number of applications denied,  
 4 and the number of applications withdrawn by the applicant.

5 (iii) The percentage and number of applications determined to be  
 6 administratively complete for which a final decision was made  
 7 within the period required by part 13.

8 ~~(d) The number of inspections conducted at licensed disposal~~  
 9 ~~areas as required by section 11519.~~

10 (d) ~~(e)~~ The number of letters of warning sent to licensed  
 11 disposal areas.

12 (e) ~~(f)~~ The number of contested case hearings and civil  
 13 actions initiated and completed, the number of voluntary consent  
 14 orders and administrative orders entered or issued, and the amount  
 15 of fines and penalties collected through such actions or orders.

16 (f) ~~(g)~~ For each enforcement action that includes a penalty, a  
 17 description of the corrective actions required by the enforcement  
 18 action.

19 (g) ~~(h)~~ The number of solid waste complaints received,  
 20 investigated, resolved, and not resolved by the department.

21 (h) ~~(i)~~ The amount of revenue in the staff account of the  
 22 solid waste management fund and **the amount of revenue in** the coal  
 23 ash care fund at the end of the fiscal year.

24 (7) ~~(8)~~ The coal ash care fund is created within the state  
 25 treasury. The state treasurer may receive money from any source for  
 26 deposit into the fund. The state treasurer shall direct the  
 27 investment of the fund. The state treasurer shall credit to the  
 28 fund interest and earnings from fund investments.

29 (8) ~~(9)~~ Money shall be expended from the coal ash care fund,

1 upon appropriation, only for the following purposes relating to  
2 coal ash impoundments and coal ash landfills:

3 (a) Preparing generally applicable guidance regarding the  
4 solid waste permit and license program or its implementation or  
5 enforcement.

6 (b) Reviewing and acting on any application for a permit or  
7 license, permit or license revision, or permit or license renewal,  
8 including the cost of public notice and public hearings.

9 (c) Performing an advisory analysis under section 11510(1).

10 (d) General administrative costs of running the permit and  
11 license program, including permit and license tracking and data  
12 entry.

13 (e) Inspection of licensed disposal areas and open dumps.

14 (f) Implementing and enforcing the conditions of any permit or  
15 license.

16 (g) Groundwater monitoring audits at disposal areas that are  
17 or have been licensed under this part.

18 (h) Reviewing and acting upon corrective action plans for  
19 disposal areas that are or have been licensed under this part.

20 (i) Review of certifications of closure.

21 (j) Postclosure maintenance and monitoring inspections and  
22 review.

23 (k) Review of bonds and financial assurance documentation at  
24 disposal areas that are or have been licensed under this part.

25 Enacting section 1. Section 11519 of the natural resources and  
26 environmental protection act, 1994 PA 451, MCL 324.11519, is  
27 repealed.