

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

PART 145
WASTE REDUCTION ASSISTANCE

324.14501 Definitions.

Sec. 14501. As used in this part:

(a) "Agricultural biomass" means residue and waste generated on a farm or by farm co-operative members from the production and processing of agricultural products, animal wastes, food processing wastes, or other materials as approved by the director.

(b) "Department" means the department of environmental quality.

(c) "Director" means the director of the department of environmental quality.

(d) "Eligible farmer or agricultural processor" means a person who processes agricultural products or a person who is engaged as an owner-operator of a farm in the production of agricultural goods as defined by section 35(1)(h) of the former single business tax act, 1975 PA 228, or by section 207(1)(d) of the Michigan business tax act, 2007 PA 36, MCL 208.1207.

(e) "Environmental wastes" means all environmental pollutants, wastes, discharges, and emissions, regardless of how they are regulated and regardless of whether they are released to the general environment or the workplace environment.

(f) "Pollution prevention" means all of the following:

(i) "Source reduction" as defined in 42 USC 13102.

(ii) "Pollution prevention" as described in the United States environmental protection agency's pollution prevention statement dated June 15, 1993.

(iii) Environmentally sound on-site or off-site reuse or recycling including, but not limited to, the use of agricultural biomass by qualified agricultural energy production systems.

(g) "Qualified agricultural energy production system" means the structures, equipment, and apparatus to be used to produce a gaseous fuel from the noncombustive decomposition of agricultural biomass and the apparatus and equipment used to generate electricity or heat from the gaseous fuel or store the gaseous fuel for future generation of electricity or heat. Qualified agricultural energy production system may include, but is not limited to, a methane digester, biomass gasification technology, or thermal depolymerization technology.

(h) "RETAP" means the retired engineers technical assistance program created in section 14511.

(i) "Retap fund" means the retired engineers technical assistance program fund created in section 14512.

(j) "Small business" means a business that is not dominant in its field as described in 13 CFR part 121 and meets both of the following requirements:

(i) Is independently owned or operated, by a person that employs 500 or fewer individuals.

(ii) Is a small business concern as defined in 15 USC 632.

History: 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1998, Act 289, Imd. Eff. July 27, 1998;—Am. 2004, Act 333, Imd. Eff. Sept. 23, 2004;—Am. 2006, Act 254, Imd. Eff. July 5, 2006;—Am. 2007, Act 174, Imd. Eff. Dec. 21, 2007.

Popular name: Act 451

Popular name: NREPA

324.14502 Reduction in amount of generated environmental waste; emphasis on pollution prevention; personnel; staff and services.

Sec. 14502. (1) The department shall inform, assist, educate, and provide funding, as provided in this part, to persons to facilitate a reduction in the amount of environmental waste generated in the state. The department shall place a particular emphasis on in-plant pollution prevention.

(2) The department shall employ personnel and provide staff and services as are necessary to implement this part.

History: 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1998, Act 289, Imd. Eff. July 27, 1998.

Compiler's note: For transfer of authority, powers, duties, functions, and responsibilities of the Environmental Assistance Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

Popular name: Act 451

Popular name: NREPA

324.14503 Pollution prevention information clearinghouse; establishment; duties; contracts.

Sec. 14503. (1) The department shall establish a pollution prevention information clearinghouse which

shall do all of the following:

- (a) Upon request, provide specific pollution prevention information to any person.
- (b) Publish information describing pollution prevention technologies.
- (c) Distribute available publications pertaining to pollution prevention.
- (d) Sponsor pollution prevention workshops targeted at specific industries.
- (e) Participate in conferences and meetings of business organizations.
- (f) Provide information and application forms as necessary to fulfill the department's responsibilities under sections 14505 and 14506.

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

History: 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1998, Act 289, Imd. Eff. July 27, 1998.

Compiler's note: For transfer of authority, powers, duties, functions, and responsibilities of the Environmental Assistance Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

Popular name: Act 451

Popular name: NREPA

324.14504 Pollution prevention technical assistance.

Sec. 14504. The department shall provide and support technical assistance regarding pollution prevention to business and industry throughout the state and shall do all of the following:

- (a) Provide instruction on self-conducted environmental waste audits pertaining to pollution prevention.
- (b) Provide consultant referrals pertaining to pollution prevention.
- (c) Provide on-site assistance to business and industry pertaining to pollution prevention.
- (d) Provide other information and assistance that is considered appropriate by the department.

History: 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1998, Act 289, Imd. Eff. July 27, 1998.

Compiler's note: For transfer of authority, powers, duties, functions, and responsibilities of the Environmental Assistance Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

Popular name: Act 451

Popular name: NREPA

324.14505 Repealed. 1998, Act 289, Imd. Eff. July 27, 1998.

Compiler's note: The repealed section pertained to establishment of waste reduction grants program.

Popular name: Act 451

Popular name: NREPA

324.14506 Pollution prevention research grants program; establishment; distribution of information and applications for grants; form and contents of application; recipients of grants; considerations.

Sec. 14506. (1) The department shall establish a pollution prevention research grants program.

(2) Information and applications for grants under this section shall be distributed upon request through the department.

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

(4) The director shall make grants to colleges and universities, nonprofit corporations, or industry associations or other persons for industry specific research projects pertaining to pollution prevention.

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

- (a) The severity of the environmental waste problem being addressed.
- (b) The extent that the technological development will reduce the volume or quantity or toxicity of environmental waste generated.
- (c) The potential for the application of pollution prevention technology to other persons.
- (d) The ability of the applicant to contribute matching funds.
- (e) The percentage reduction of volume or quantity or toxicity of environmental waste that will be achieved.

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

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

(h) Additional criteria as the director considers appropriate.

History: 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1998, Act 289, Imd. Eff. July 27, 1998.

Compiler's note: For transfer of authority, powers, duties, functions, and responsibilities of the Environmental Assistance Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

Popular name: Act 451

Popular name: NREPA

324.14507-324.14509 Repealed. 1998, Act 289, Imd. Eff. July 27, 1998.

Compiler's note: The repealed sections pertained to waste reduction advisory committee.

Popular name: Act 451

Popular name: NREPA

324.14510 Annual report.

Sec. 14510. (1) The department shall prepare and deliver, before January 1 of each year, a report detailing the efforts the department, including RETAP, has undertaken during the previous fiscal year to implement this part. The annual report shall be delivered to the legislature, the governor, and the chairpersons of the appropriations committees in the senate and the house of representatives for their use in evaluating future appropriations for the service.

(2) By July 1, 1999, the department shall submit a report to the governor and legislature on the pollution prevention impacts of toxic materials accounting and toxics use reporting programs of other states and the federal government. The report shall evaluate the costs and benefits of such programs and shall recommend whether the state should implement such programs to foster pollution prevention.

History: 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1998, Act 289, Imd. Eff. July 27, 1998.

Popular name: Act 451

Popular name: NREPA

324.14511 Retired engineers technical assistance program; establishment; conduct; contract; priorities.

Sec. 14511. (1) The department shall establish a retired engineers technical assistance program. The RETAP shall provide assistance pursuant to section 14504. RETAP assistance shall be conducted by the retired engineers, scientists, and other qualified professionals participating in RETAP.

(2) The department may contract with public or private corporations to conduct 1 or more RETAP activities. Prior to entering into a contract under this subsection, the department shall submit the proposed contract to the legislature.

(3) The director may establish priorities for RETAP assistance based on the demand for RETAP assistance, the funds available for the assistance, and the needs of the applicants, taking into consideration the most effective use of the assistance.

History: Add. 1998, Act 289, Imd. Eff. July 27, 1998.

Compiler's note: For transfer of powers and duties of department of environmental quality under retired engineers technical assistance program from department of environmental quality to Michigan agency for energy, department of licensing and regulatory affairs, see E.R.O. No. 2015-3, compiled at MCL 460.21.

Popular name: Act 451

Popular name: NREPA

324.14512 Retired engineers technical assistance program fund; creation; disposition of funds; limitation; lapse; annual report; expenditure.

Sec. 14512. (1) The retired engineers technical assistance program fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the RETAP fund. The state treasurer shall direct the investment of the RETAP fund. The state treasurer shall credit to the RETAP fund interest and earnings from fund investments.

(3) The total amount of money in the RETAP fund shall not exceed \$10,000,000.00.

(4) To capitalize the RETAP fund, \$700,000.00 from fees collected under section 11108 is appropriated and transferred from the general fund to the RETAP fund. If the RETAP fund is capitalized from a different source, \$700,000.00 is appropriated and transferred from the RETAP fund back to the waste reduction fee fund.

(5) Money in the RETAP fund at the close of the fiscal year shall remain in the RETAP fund and shall not lapse to the general fund.

(6) The state treasurer shall annually report to the legislature on the amount of money in the RETAP fund.

(7) The department shall expend money from the RETAP fund, upon appropriation, to administer and operate the RETAP.

History: Add. 1998, Act 289, Imd. Eff. July 27, 1998.

Compiler's note: For transfer of powers and duties of department of environmental quality under retired engineers technical assistance program from department of environmental quality to Michigan agency for energy, department of licensing and regulatory affairs, see E.R.O. No. 2015-3, compiled at MCL 460.21.

Popular name: Act 451

Popular name: NREPA

324.14513 Small business pollution prevention assistance revolving loan fund; creation; disposition; lapse; expenditure; loan eligibility requirements; loan limitations; "fund" defined.

Sec. 14513. (1) The small business pollution prevention assistance revolving loan fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall expend money from the fund, upon appropriation, to provide loans to small businesses to implement pollution prevention projects. For each loan issued under this section, the money shall be disbursed by the department to a lending institution that has entered into a loan participation agreement with the department.

(5) To be eligible for a loan from the fund for a qualified agricultural energy production system, an applicant shall meet all of the following requirements:

(a) The applicant shall be an eligible farmer or agricultural processor, or a for-profit farmer cooperative corporation organized under and operated in accordance with sections 98 to 109 of 1931 PA 327, MCL 450.98 to 450.109.

(b) The applicant shall be verified under the appropriate system of the Michigan agriculture environmental assurance program administered by the department of agriculture.

(c) Within a 3-year period immediately preceding the date the application was submitted, the applicant shall not have been found guilty of a criminal violation under this act.

(d) Within a 1-year period immediately preceding the date the application was submitted, the applicant shall not have been found responsible for a civil violation under this act that resulted in a civil fine of \$10,000.00 or more.

(6) The amount of a loan from the fund shall not exceed \$200,000.00. A small business shall not receive more than 1 loan in any 3-year period. Interest rates paid by the small business shall be set by the director, but shall not exceed 5%.

(7) As used in this section, "fund" means the small business pollution prevention assistance revolving loan fund created in subsection (1).

History: Add. 1998, Act 289, Imd. Eff. July 27, 1998;—Am. 2004, Act 334, Imd. Eff. Sept. 23, 2004;—Am. 2006, Act 254, Imd. Eff. July 5, 2006.

Popular name: Act 451

Popular name: NREPA

324.14514 Rules.

Sec. 14514. The department may promulgate rules to implement and administer this part.

History: Add. 2004, Act 333, Imd. Eff. Sept. 23, 2004.

Popular name: Act 451

Popular name: NREPA