SENATE BILL NO. 26

January 18, 2023, Introduced by Senators CHANG, WOJNO, GEISS, BAYER, ANTHONY and SHINK and referred to the Committee on Energy and Environment.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 5534.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 5534. (1) As used in this section:

(a) "AQEM fund" means the air quality enforcement and mitigation fund created in subsection (2).

(b) "Environmental protection community" means a geographic area that the department of environment, Great Lakes, and energy,
using tools such as the United States Environmental Protection
Agency's EJSCREEN, has identified as a community facing a
disproportionate environmental burden using indicators such as
sensitive populations, socioeconomic factors, exposures, and
environmental effects.

(2) The air quality enforcement and mitigation fund is created
within the state treasury. All civil and administrative fines
collected under this part shall be deposited into the AQEM fund.
The state treasurer may receive money or other assets from any
source for deposit into the AQEM fund. The state treasurer shall
direct the investment of the AQEM fund. The state treasurer shall
credit to the AQEM fund interest and earnings from fund
investments. Money in the AQEM fund at the close of the fiscal year
shall remain in the AQEM fund and shall not lapse to the general
fund. The department of environment, Great Lakes, and energy shall
be the administrator of the AQEM fund for auditing purposes.

(3) The department of environment, Great Lakes, and energy
shall expend money from the AQEM fund, upon appropriation, only as
follows:

(a) Thirty percent of the money shall be expended for staffing
and other functions of the department that benefit environmental
protection communities and are related to 1 or more of the
following:

(i) Mitigation of air pollution, such as by buffering with
vegetation, optional residential buyouts, air filters in homes and
schools, and diesel engine retrofit or replacement programs.

(ii) Increased air monitoring.

(iii) Improved compliance by persons with a history of
violations of this part or permits issued or rules promulgated
under this part including, but not limited to, training for
environmental regulators or prosecuting attorneys.

(b) Seventy percent of the money shall be expended for grants
under subsection (4) for 1 or more of the following purposes in the
communities where the violations occurred or nearby communities,
particularly environmental protection communities:

(i) The purposes described in subdivision (a)(i) and (ii).

(ii) Health impact assessments.

(iii) Education and training programs for community residents
and local environmental regulators to increase effectiveness of
enforcement programs in deterring violations of this part and rules
promulgated or orders issued under this part.

(4) The department of environment, Great Lakes, and energy
shall establish an air quality community impact grant program. The
program shall provide grants to nonprofit entities, local health
departments, local environmental departments, and school districts
to carry out the purposes of subsection (3)(b).

(5) The department of environment, Great Lakes, and energy
shall promulgate rules to implement subsection (4). At a minimum,
the rules shall describe how grants are to be allocated, the
procedures for applying for grants, the criteria for awarding
grants, and administrative and fiscal requirements governing the
receipt and expenditure of grants. The department shall promulgate
the rules in consultation with an advisory committee that includes,
but is not limited to, at least 1 of each of the following:

(a) A public health expert.

(b) A representative of an environmental justice organization.

(c) A representative of the department of health and human
services.
(d) A representative of a local health department or local environmental department.

(e) Two residents of environmental protection communities.

(6) The department of environment, Great Lakes, and energy, in collaboration with environmental interest groups, shall develop a process to identify environmental protection communities. The identification process shall include community engagement to obtain information and feedback. Within 150 days after census block data from a decennial census becomes publicly available, the department shall identify environmental protection communities.

(7) The department of environment, Great Lakes, and energy shall post on its website and otherwise make publicly available an annual report on the purposes for which grants were awarded under subsection (3)(b), including the communities affected.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.