

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4849

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 14301, 14302, 14303, 14304, 14306, 14501,
14502, 14503, 14504, 14506, and 14510 (MCL 324.14301, 324.14302,
324.14303, 324.14304, 324.14306, 324.14501, 324.14502, 324.14503,
324.14504, 324.14506, and 324.14510) and by adding sections
14511, 14512, and 14513; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14301. As used in this part:

2 ~~-(a) "Office" means the office of waste reduction created in~~
3 ~~section 14302.~~

4 ~~-(b) "Waste" means hazardous waste as defined in~~
5 ~~section 11103; solid waste as defined in section 11506; liquid~~
6 ~~industrial waste as defined in section 12101; discharges~~
7 ~~regulated by part 31; and air contaminants regulated by part 55.~~

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1 ~~(c) "Waste reduction" means any practice, such as an~~
2 ~~equipment or technology modification, a process or procedure mod-~~
3 ~~ification, a reformulation or redesign of a product, a substitu-~~
4 ~~tion of raw materials, or improved management, training, or~~
5 ~~inventory control, which practice is undertaken by a person to~~
6 ~~reduce the volume or quantity or toxicity of waste that may be~~
7 ~~released into the environment or that is treated at a location~~
8 ~~other than the location where it is produced.~~

9 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
10 QUALITY.

11 (B) "ENVIRONMENTAL WASTES" MEANS ALL ENVIRONMENTAL POLLUT-
12 ANTS, WASTES, DISCHARGES, AND EMISSIONS, REGARDLESS OF HOW THEY
13 ARE REGULATED AND REGARDLESS OF WHETHER THEY ARE RELEASED TO THE
14 GENERAL ENVIRONMENT OR THE WORKPLACE ENVIRONMENT.

15 (C) "POLLUTION PREVENTION" MEANS ALL OF THE FOLLOWING:

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

20 (ii) "POLLUTION PREVENTION" AS DESCRIBED IN THE UNITED
21 STATES ENVIRONMENTAL PROTECTION AGENCY'S POLLUTION PREVENTION
22 STATEMENT DATED JUNE 15, 1993.

23 (iii) ENVIRONMENTALLY SOUND ON-SITE OR OFF-SITE REUSE OR
24 RECYCLING.

25 Sec. 14302. (1) ~~The office of waste reduction is created~~
26 ~~within the department of natural resources to advise the~~
27 ~~department on methods of incorporating waste reduction~~ SHALL

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1 INCORPORATE POLLUTION PREVENTION goals within ~~the department of~~
2 ~~natural resources~~ ITS regulatory and permit programs, including
3 data collection and analysis to advance the concept and implemen-
4 tation of ~~waste reduction~~ POLLUTION PREVENTION.

5 (2) The department ~~of natural resources~~ shall employ per-
6 sonnel and provide support staff as are necessary to implement
7 this part.

8 Sec. 14303. (1) The ~~office~~ DEPARTMENT shall do all of the
9 following:

10 (a) Identify opportunities to encourage ~~waste reduction~~
11 POLLUTION PREVENTION through the ~~department of natural~~
12 ~~resources~~ DEPARTMENT'S regulatory programs.

13 (b) Identify opportunities to encourage ~~waste reduction~~
14 POLLUTION PREVENTION through the ~~department of natural~~
15 ~~resources~~ DEPARTMENT'S permit programs.

16 (c) Identify how ~~waste reduction~~ POLLUTION PREVENTION
17 efforts should be documented in environmental impact statements.

18 (d) Analyze and make recommendations on the value of impos-
19 ing statewide goals or goals for particular ENVIRONMENTAL wastes,
20 or both, for ~~waste reduction~~ POLLUTION PREVENTION, minimum
21 recycling standards, and ENVIRONMENTAL waste treatment
22 standards.

23 (e) Publish an annual analysis of ~~waste reduction~~
24 POLLUTION PREVENTION efforts and potentials in the state.

25 (2) In performing its responsibilities under subsection (1),
26 the ~~office~~ DEPARTMENT shall place a particular emphasis on
27 in-plant ~~waste reduction~~ POLLUTION PREVENTION.

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1 (3) Consistent with the congressional declaration in section
2 1003(b) of subtitle A of THE SOLID WASTE DISPOSAL ACT, title II
3 of Public Law 89-272, 42 U.S.C. 6902, that it is the national
4 policy of the United States that, wherever feasible, hazardous
5 waste is to be reduced or eliminated as expeditiously as possi-
6 ble, the ~~office~~ DEPARTMENT shall place a particular emphasis on
7 the ~~reduction~~ PREVENTION of ~~a~~ AN ENVIRONMENTAL waste that is
8 a hazardous waste as defined in section 11103.

9 Sec. 14304. ~~(1) The office shall complete the studies pro-~~
10 ~~vided in section 11110(3) upon the request of the department and~~
11 ~~shall provide the information generated by those studies to the~~
12 ~~department.~~ (2) The department shall assure that relevant
13 information received under section 313 of subtitle B of THE EMER-
14 GENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986, title III
15 of the superfund amendments and reauthorization act of 1986,
16 Public Law 99-499, 42 U.S.C. 11023, is transmitted to the
17 ~~hazardous waste policy committee by the office~~ DEPARTMENT.

18 Sec. 14306. The ~~office~~ DEPARTMENT shall prepare and
19 deliver, before January 1 of each year, a report detailing the
20 efforts the ~~office~~ DEPARTMENT has undertaken during the previ-
21 ous fiscal year to implement this part. The annual report shall
22 be delivered to the legislature, the governor, and the chair-
23 persons of the appropriations committees in the senate and the
24 house of representatives for their use in evaluating future
25 appropriations for the ~~office~~ DEPARTMENT TO IMPLEMENT THIS
26 PART. The annual report may include the information generated
27 pursuant to sections 14303 and 14304 and may recommend changes in

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1 policies and regulatory approaches that will encourage ~~waste~~
2 ~~reduction~~ POLLUTION PREVENTION.

3 Sec. 14501. As used in this part:

4 ~~(a) "Committee" means the waste reduction advisory commit-~~
5 ~~tee created in section 14507.~~

6 (A) ~~(b)~~ "Department" means the department of ~~commerce~~
7 ENVIRONMENTAL QUALITY.

8 (B) ~~(c)~~ "Director" means the director of ~~commerce~~ THE
9 DEPARTMENT OF ENVIRONMENTAL QUALITY.

10 ~~(d) "Service" means the waste reduction assistance service~~
11 ~~created in section 14502.~~

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

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

24 (C) "ENVIRONMENTAL WASTES" MEANS ALL ENVIRONMENTAL POLLUT-
25 ANTS, WASTES, DISCHARGES, AND EMISSIONS, REGARDLESS OF HOW THEY
26 ARE REGULATED AND REGARDLESS OF WHETHER THEY ARE RELEASED TO THE
27 GENERAL ENVIRONMENT OR THE WORKPLACE ENVIRONMENT.

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1 (D) "POLLUTION PREVENTION" MEANS ALL OF THE FOLLOWING:

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

6 (ii) "POLLUTION PREVENTION" AS DESCRIBED IN THE UNITED
7 STATES ENVIRONMENTAL PROTECTION AGENCY'S POLLUTION PREVENTION
8 STATEMENT DATED JUNE 15, 1993.

9 (iii) ENVIRONMENTALLY SOUND ON-SITE OR OFF-SITE REUSE OR
10 RECYCLING.

11 (E) "RETAP" MEANS THE RETIRED ENGINEERS TECHNICAL ASSISTANCE
12 PROGRAM CREATED IN SECTION 14511.

13 (F) "RETAP FUND" MEANS THE FUND CREATED IN SECTION 14512.

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

21 (2) The department shall employ personnel and provide staff
22 and services as are necessary to ~~administer the service and to~~
23 implement this part.

24 Sec. 14503. (1) The ~~service~~ DEPARTMENT shall establish a
25 ~~waste reduction~~ POLLUTION PREVENTION information clearinghouse
26 which shall do all of the following:

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- 1 (a) Upon request, provide specific ~~waste reduction~~
2 POLLUTION PREVENTION information to any person.
- 3 (b) Publish information describing ~~waste reduction~~
4 POLLUTION PREVENTION technologies.
- 5 (c) Distribute available publications pertaining to ~~waste~~
6 ~~reduction~~ POLLUTION PREVENTION.
- 7 (d) Sponsor ~~waste reduction~~ POLLUTION PREVENTION workshops
8 targeted at specific industries.
- 9 (e) Participate in conferences and meetings of business
10 organizations.
- 11 (f) Provide information and application forms as necessary
12 to fulfill the department's responsibilities under sections 14505
13 and 14506.
- 14 (2) The ~~service~~ DEPARTMENT may contract to have any of the
15 activities provided in subsection (1) performed by persons other
16 than department personnel.
- 17 Sec. 14504. The ~~service~~ DEPARTMENT shall provide AND
18 SUPPORT technical assistance regarding ~~waste reduction~~
19 POLLUTION PREVENTION to business and industry throughout the
20 state and shall do all of the following:
- 21 (a) Provide instruction on self-conducted ENVIRONMENTAL
22 waste audits pertaining to ~~waste reduction~~ POLLUTION
23 PREVENTION.
- 24 (b) Provide consultant referrals pertaining to ~~waste~~
25 ~~reduction~~ POLLUTION PREVENTION.
- 26 (c) Provide on-site assistance to business and industry
27 pertaining to ~~waste reduction~~ POLLUTION PREVENTION.

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1 (d) Provide other information and assistance that is
2 considered appropriate by the ~~service~~ DEPARTMENT.

3 Sec. 14506. (1) The department shall establish a ~~waste~~
4 ~~reduction~~ POLLUTION PREVENTION research grants program.

5 (2) Information and applications for grants under this sec-
6 tion shall be distributed upon request through the ~~service~~
7 DEPARTMENT.

8 (3) An application for a grant under this section shall be
9 on a form provided by the department and shall contain informa-
10 tion required by the director.

11 (4) The director ~~, after consideration of the recommenda-~~
12 ~~tions of the committee,~~ shall make grants to colleges and uni-
13 versities, nonprofit corporations, or industry associations or
14 other persons for industry specific research projects pertaining
15 to ~~waste reduction~~ POLLUTION PREVENTION.

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

18 (a) The severity of the ENVIRONMENTAL waste problem being
19 addressed.

20 (b) The extent that the technological development will
21 reduce the volume or quantity or toxicity of ENVIRONMENTAL waste
22 generated.

23 (c) The potential for the application of ~~waste reduction~~
24 POLLUTION PREVENTION technology to other persons.

25 (d) The ability of the applicant to contribute matching
26 funds.

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1 (e) The percentage reduction of volume or quantity or
2 toxicity of ENVIRONMENTAL waste that will be achieved.

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

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

8 (h) Additional criteria as the director considers
9 appropriate.

10 Sec. 14510. (1) The ~~service~~ DEPARTMENT shall prepare and
11 deliver, before January 1 of each year, a report detailing the
12 efforts the ~~service~~ DEPARTMENT, INCLUDING RETAP, has undertaken
13 during the previous fiscal year to implement this part. The
14 annual report shall be delivered to the legislature, the gover-
15 nor, and the chairpersons of the appropriations committees in the
16 senate and the house of representatives for their use in evaluat-
17 ing future appropriations for the service.

18 (2) BY JULY 1, 1999, THE DEPARTMENT SHALL SUBMIT A REPORT TO
19 THE GOVERNOR AND LEGISLATURE ON THE POLLUTION PREVENTION IMPACTS
20 OF TOXIC MATERIALS ACCOUNTING AND TOXICS USE REPORTING PROGRAMS
21 OF OTHER STATES AND THE FEDERAL GOVERNMENT. THE REPORT SHALL
22 EVALUATE THE COSTS AND BENEFITS OF SUCH PROGRAMS AND SHALL RECOM-
23 MEND WHETHER THE STATE SHOULD IMPLEMENT SUCH PROGRAMS TO FOSTER
24 POLLUTION PREVENTION.

25 SEC. 14511. (1) THE DEPARTMENT SHALL ESTABLISH A RETIRED
26 ENGINEERS TECHNICAL ASSISTANCE PROGRAM. THE RETAP SHALL PROVIDE
27 ASSISTANCE PURSUANT TO SECTION 14504. RETAP ASSISTANCE SHALL BE

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1 CONDUCTED BY THE RETIRED ENGINEERS, SCIENTISTS, AND OTHER
2 QUALIFIED PROFESSIONALS PARTICIPATING IN RETAP.

3 (2) THE DEPARTMENT MAY CONTRACT WITH PUBLIC OR PRIVATE COR-
4 PORATIONS TO CONDUCT 1 OR MORE RETAP ACTIVITIES. PRIOR TO ENTER-
5 ING INTO A CONTRACT UNDER THIS SUBSECTION, THE DEPARTMENT SHALL
6 SUBMIT THE PROPOSED CONTRACT TO THE LEGISLATURE.

7 (3) THE DIRECTOR MAY ESTABLISH PRIORITIES FOR RETAP ASSIST-
8 ANCE BASED ON THE DEMAND FOR RETAP ASSISTANCE, THE FUNDS AVAIL-
9 ABLE FOR THE ASSISTANCE, AND THE NEEDS OF THE APPLICANTS, TAKING
10 INTO CONSIDERATION THE MOST EFFECTIVE USE OF THE ASSISTANCE.

11 SEC. 14512. (1) THE RETIRED ENGINEERS TECHNICAL ASSISTANCE
12 PROGRAM FUND IS CREATED WITHIN THE STATE TREASURY.

13 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
14 FROM ANY SOURCE FOR DEPOSIT INTO THE RETAP FUND. THE STATE TREA-
15 SURER SHALL DIRECT THE INVESTMENT OF THE RETAP FUND. THE STATE
16 TREASURER SHALL CREDIT TO THE RETAP FUND INTEREST AND EARNINGS
17 FROM FUND INVESTMENTS.

18 (3) THE TOTAL AMOUNT OF MONEY IN THE RETAP FUND SHALL NOT
19 EXCEED \$10,000,000.00.

20 (4) TO CAPITALIZE THE RETAP FUND, \$700,000.00 FROM FEES COL-
21 LECTED UNDER SECTION 11108 IS APPROPRIATED AND TRANSFERRED FROM
22 THE GENERAL FUND TO THE RETAP FUND. IF THE RETAP FUND IS CAPI-
23 TALIZED FROM A DIFFERENT SOURCE, \$700,000.00 IS APPROPRIATED AND
24 TRANSFERRED FROM THE RETAP FUND BACK TO THE WASTE REDUCTION FEE
FUND.

25 (5) MONEY IN THE RETAP FUND AT THE CLOSE OF THE FISCAL YEAR
26 SHALL REMAIN IN THE RETAP FUND AND SHALL NOT LAPSE TO THE GENERAL
27 FUND.

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1 (6) THE STATE TREASURER SHALL ANNUALLY REPORT TO THE
2 LEGISLATURE ON THE AMOUNT OF MONEY IN THE RETAP FUND.

3 (7) THE DEPARTMENT SHALL EXPEND MONEY FROM THE RETAP FUND,
4 UPON APPROPRIATION, TO ADMINISTER AND OPERATE THE RETAP.

5 SEC. 14513. (1) THE SMALL BUSINESS POLLUTION PREVENTION
6 ASSISTANCE REVOLVING LOAN FUND IS CREATED WITHIN THE STATE
7 TREASURY.

8 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
9 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER
10 SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER
11 SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
12 INVESTMENTS.

13 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
14 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

15 (4) THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND, UPON
16 APPROPRIATION, TO PROVIDE LOANS TO SMALL BUSINESSES TO IMPLEMENT
17 POLLUTION PREVENTION RECOMMENDATIONS MADE IN RETAP AUDITS AND
18 OTHER QUALIFYING POLLUTION PREVENTION EXPENDITURES.

19 (5) THE MAXIMUM LOAN FROM THE FUND SHALL BE \$50,000.00, AND
20 A SMALL BUSINESS SHALL NOT RECEIVE MORE THAN 1 LOAN IN ANY 3-YEAR
21 PERIOD. INTEREST RATES SHALL BE SET BY THE DIRECTOR, BUT SHALL
22 NOT EXCEED 5%.

23 (6) AS USED IN THIS SECTION:

24 (A) "FUND" MEANS THE SMALL BUSINESS POLLUTION PREVENTION
25 ASSISTANCE REVOLVING LOAN FUND CREATED IN SUBSECTION (1).

26 (B) "QUALIFYING POLLUTION PREVENTION EXPENDITURES" MEANS
27 EQUIPMENT OR TECHNOLOGY MODIFICATIONS, PROCESS OR PROCEDURE

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1 MODIFICATIONS, REFORMULATION OR REDESIGN OF PRODUCTS,
2 SUBSTITUTION OF RAW MATERIALS, AND IMPROVEMENTS IN HOUSEKEEPING,
3 MAINTENANCE, TRAINING, OR INVENTORY CONTROL THAT REDUCE THE
4 AMOUNT OF ENVIRONMENTAL WASTE OR REDUCE THE HAZARDS TO PUBLIC
5 HEALTH AND THE ENVIRONMENT ASSOCIATED WITH ENVIRONMENTAL WASTE.

6 (C) "SMALL BUSINESS" MEANS A BUSINESS THAT IS INDEPENDENTLY
7 OWNED AND OPERATED, IS NOT DOMINANT IN ITS FIELD AS DEFINED IN 13
8 C.F.R. PART 121, AND MEETS BOTH OF THE FOLLOWING REQUIREMENTS:

9 (i) IS OWNED OR OPERATED BY A PERSON THAT EMPLOYS 100 OR
10 FEWER INDIVIDUALS.

11 (ii) IS A SMALL BUSINESS CONCERN AS DEFINED IN THE SMALL
12 BUSINESS ACT, PUBLIC LAW 85-536, 72 STAT. 384.

13 Enacting section 1. Sections 14305, 14505, 14507, 14508,
14 and 14509 of the natural resources and environmental protection
15 act, 1994 PA 451, MCL 324.14305, 324.14505, 324.14507, 324.14508,
16 and 324.14509, are repealed.