

Act No. 289  
Public Acts of 1998  
Approved by the Governor  
July 27, 1998  
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July 27, 1998  
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STATE OF MICHIGAN  
89TH LEGISLATURE  
REGULAR SESSION OF 1998

Introduced by Reps. Middaugh, Alley and Sikkema

# ENROLLED HOUSE BILL No. 4849

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," 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:*

Sec. 14301. As used in this part:

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

(b) "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.

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

(i) "Source reduction" as defined in the pollution prevention act of 1990, subtitle G of title VI of the omnibus budget reconciliation act of 1990, Public Law 101-508, 42 U.S.C. 13101 to 13109.

(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.

Sec. 14302. (1) The department shall incorporate pollution prevention goals within its regulatory and permit programs, including data collection and analysis to advance the concept and implementation of pollution prevention.

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

Sec. 14303. (1) The department shall do all of the following:

(a) Identify opportunities to encourage pollution prevention through the department's regulatory programs.

(b) Identify opportunities to encourage pollution prevention through the department's permit programs.

(c) Identify how pollution prevention efforts should be documented in environmental impact statements.

(d) Analyze and make recommendations on the value of imposing statewide goals or goals for particular environmental wastes, or both, for pollution prevention, minimum recycling standards, and environmental waste treatment standards.

(e) Publish an annual analysis of pollution prevention efforts and potentials in the state.

(2) In performing its responsibilities under subsection (1), the department shall place a particular emphasis on in-plant pollution prevention.

(3) Consistent with the congressional declaration in section 1003(b) of subtitle A of the solid waste disposal act, title II of Public Law 89-272, 42 U.S.C. 6902, that it is the national policy of the United States that, wherever feasible, hazardous waste is to be reduced or eliminated as expeditiously as possible, the department shall place a particular emphasis on the prevention of an environmental waste that is a hazardous waste as defined in section 11103.

Sec. 14304. The department shall assure that relevant information received under section 313 of subtitle B of the emergency planning and community right-to-know act of 1986, title III of the superfund amendments and reauthorization act of 1986, Public Law 99-499, 42 U.S.C. 11023, is transmitted to the department.

Sec. 14306. The department shall prepare and deliver, before January 1 of each year, a report detailing the efforts the department 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 department to implement this part. The annual report may include the information generated pursuant to sections 14303 and 14304 and may recommend changes in policies and regulatory approaches that will encourage pollution prevention.

Sec. 14501. As used in this part:

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

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

(c) "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.

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

(i) "Source reduction" as defined in the pollution prevention act of 1990, subtitle G of title VI of the omnibus budget reconciliation act of 1990, Public Law 101-508, 42 U.S.C. 13101 to 13109.

(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.

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

(f) "RETAP fund" means the fund created in section 14512.

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.

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.

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.

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.

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.

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.

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.

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 recommendations made in RETAP audits and other qualifying pollution prevention expenditures.

(5) The maximum loan from the fund shall be \$50,000.00, and a small business shall not receive more than 1 loan in any 3-year period. Interest rates shall be set by the director, but shall not exceed 5%.

(6) As used in this section:

(a) "Fund" means the small business pollution prevention assistance revolving loan fund created in subsection (1).

(b) "Qualifying pollution prevention expenditures" means equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control that reduce the amount of environmental waste or reduce the hazards to public health and the environment associated with environmental waste.

(c) "Small business" means a business that is independently owned and operated, is not dominant in its field as defined in 13 C.F.R. part 121, and meets both of the following requirements:

(i) Is owned or operated by a person that employs 100 or fewer individuals.

(ii) Is a small business concern as defined in the small business act, public law 85-536, 72 Stat. 384.

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

This act is ordered to take immediate effect.



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Clerk of the House of Representatives.



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Secretary of the Senate.

Approved -----

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Governor.