

Act No. 343
Public Acts of 2006
Approved by the Governor*
August 15, 2006
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August 16, 2006
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*Item Vetoes

Sec. 102. EXECUTIVE OPERATIONS AND DEPARTMENT SUPPORT

Grant to Michigan legislative council for environmental ombudsman.... \$ 200,000 (Page 3)

Sec. 107. REMEDIATION AND REDEVELOPMENT

Little Black Creek \$ 35,000 (Page 5)

Sec. 111. GRANTS

Muskegon County \$ 200,000 (Page 7)

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**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006**

Introduced by Senators Barcia and Emerson

ENROLLED SENATE BILL No. 1086

AN ACT to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of environmental quality for the fiscal year ending September 30, 2007, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF ENVIRONMENTAL QUALITY

APPROPRIATIONS SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	1,561.7	
GROSS APPROPRIATION		\$ 444,229,500
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		18,233,600
ADJUSTED GROSS APPROPRIATION		\$ 425,995,900
Federal revenues:		
Total federal revenues		140,338,500
Special revenue funds:		
Total local revenues		0
Total private revenues		450,000
Total other state restricted revenues		251,379,000
State general fund/general purpose		\$ 33,828,400

FUND SOURCE SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	1,561.7	
GROSS APPROPRIATION		\$ 444,229,500
Interdepartmental grant revenues:		
IDG-MDCH, local public health operations		10,472,500
IDG-MDSP		719,800
IDG, Michigan transportation fund		1,020,800
IDT, interdivisional charges		2,053,400
IDT, laboratory services		3,967,100
Total interdepartmental grants and intradepartmental transfers		18,233,600
ADJUSTED GROSS APPROPRIATION		\$ 425,995,900
Federal revenues:		
DHHS, federal		6,100
DHS, federal		2,922,700
DOC-NOAA, federal		3,577,000
DOD, federal		1,091,800
DOI, federal		584,500
EPA, brownfield cleanup revolving loan fund		1,000,000
EPA, multiple		131,156,400
Total federal revenues		140,338,500
Special revenue funds:		
Private funds		450,000
Total private revenues		450,000
Aboveground storage tank fees		733,700
Air emissions fees		12,197,800
Aquifer protection revolving fund		400,000
Campground fund		230,700
Clean Michigan initiative - administration		1,111,700
Clean Michigan initiative - clean water fund		3,276,900
Clean Michigan initiative - pollution prevention activities		100,000
Clean Michigan initiative - response activities		14,411,000
Cleanup and redevelopment fund		11,192,300
Community pollution prevention fund		250,000
Environmental pollution prevention fund		1,965,700
Environmental protection bond fund		15,500,000
Environmental protection fund		5,780,400
Environmental response fund		9,647,600
Fees and collections		533,400
Financial instruments		5,000,000
Great Lakes protection fund		2,563,200
Groundwater discharge permit fees		1,912,300
Hazardous materials transportation permit fund		211,200
Laboratory data quality recognition fund		15,700
Land and water permit fees		2,364,800
Landfill maintenance trust fund		54,000
Medical waste emergency response fund		230,400
Metallic mining surveillance fee revenue		91,000
Mineral well regulatory fee revenue		238,000
Nonferrous metallic mineral surveillance		210,500
NPDES fees		3,238,300
Oil and gas regulatory fund		7,582,000
Orphan well fund		2,041,200
Public swimming pool fund		525,300
Public utility assessments		777,600
Public water supply fees		3,873,800
Publication revenue		116,400
Refined petroleum fund		30,272,100

		For Fiscal Year Ending Sept. 30, 2007
Restricted funds.....	\$	17,787,800
Retired engineers technical assistance fund.....		1,474,300
Revolving loan revenue bonds		11,400,000
Saginaw Bay and River restoration revenue		169,900
Sand extraction fee revenue		196,300
Scrap tire regulatory fund		5,797,400
Septage waste contingency fund.....		36,600
Septage waste license fees.....		1,835,800
Settlement funds.....		2,037,000
Sewage sludge land application fee.....		823,700
Small business pollution prevention revolving loan fund.....		104,000
Soil erosion and sedimentation control training fund		111,400
Solid waste program fees		4,322,000
Stormwater permit fees		2,720,800
Strategic water quality initiatives fund		50,015,300
Underground storage tank fees		3,028,200
Waste reduction fee revenue.....		4,241,500
Wastewater operator training fees		168,100
Water analysis fees		3,214,100
Water pollution control revolving fund		2,982,400
Water quality protection fund.....		25,000
Water use reporting fees		238,400
Total other state restricted revenues		251,379,000
State general fund/general purpose	\$	33,828,400

Sec. 102. EXECUTIVE OPERATIONS AND DEPARTMENT SUPPORT

Full-time equated unclassified positions	6.0	
Full-time equated classified positions.....	78.0	
Unclassified salaries—6.0 FTE positions		\$ 482,600
Administrative hearings.....		422,600
Automated data processing		2,053,400
Central operations—62.0 FTE positions		6,660,400
Environmental support projects.....		5,000,000
Executive direction—9.0 FTE positions		2,171,600
Human resource optimization user charges.....		96,000
Office of the Great Lakes—7.0 FTE positions.....		973,700
Grant to Michigan legislative council for environmental ombudsman.....		200,000
Building occupancy charges.....		7,910,000
Rent - privately owned property.....		2,066,900
GROSS APPROPRIATION		\$ 28,037,200
Appropriated from:		
Interdepartmental grant revenues:		
IDT, interdivisional charges		2,053,400
IDT, laboratory services		499,900
Federal revenues:		
DOI, federal.....		155,400
EPA, multiple.....		268,600
Special revenue funds:		
Environmental protection fund.....		200,000
Financial instruments		5,000,000
Great Lakes protection fund		563,200
Restricted funds.....		13,476,900
Settlement funds.....		101,200
State general fund/general purpose	\$	5,718,600

Sec. 103. AIR QUALITY

Full-time equated classified positions	241.5	
Air quality programs—241.5 FTE positions.....		\$ 23,998,500
GROSS APPROPRIATION		\$ 23,998,500

For Fiscal Year
Ending Sept. 30,
2007

Appropriated from:	
Federal revenues:	
DHS, federal.....	\$ 1,400,000
EPA, multiple.....	4,358,900
Special revenue funds:	
Air emissions fees.....	11,459,100
Environmental response fund	102,400
Fees and collections	393,600
Oil and gas regulatory fund	103,600
Refined petroleum fund.....	2,747,500
State general fund/general purpose	\$ 3,433,400

Sec. 104. ENVIRONMENTAL SCIENCE AND SERVICES

Full-time equated classified positions.....	184.0
Program services and grant management—27.5 FTE positions	\$ 3,352,700
Laboratory services—68.0 FTE positions	6,609,600
Municipal assistance—35.5 FTE positions	5,227,800
Pollution prevention and technical assistance—53.0 FTE positions	5,110,800
Pollution prevention outreach	300,000
Retired engineers technical assistance program	1,474,300
Revitalization revolving loan program	1,000,000
Brownfield grants and loans program	8,811,000
GROSS APPROPRIATION.....	\$ 31,886,200

Appropriated from:	
Interdepartmental grant revenues:	
IDT, laboratory services	3,467,200
Federal revenues:	
DOC-NOAA, federal	343,600
EPA, brownfield cleanup revolving loan fund	1,000,000
EPA, multiple.....	3,344,000
Special revenue funds:	
Private funds	300,000
Air emissions fees.....	738,700
Clean Michigan initiative - administration.....	169,600
Clean Michigan initiative - response activities	8,811,000
Environmental protection fund.....	66,600
Environmental response fund	644,800
Laboratory data quality recognition fund.....	15,700
Public water supply fees	244,200
Retired engineers technical assistance fund.....	1,474,300
Settlement funds.....	227,400
Small business pollution prevention revolving loan fund.....	104,000
Stormwater permit fees	93,200
Strategic water quality initiatives fund	215,300
Waste reduction fee revenue.....	4,169,700
Wastewater operator training fees	168,100
Water analysis fees	3,214,100
Water pollution control revolving fund	2,333,100
State general fund/general purpose	\$ 741,600

Sec. 105. OFFICE OF GEOLOGICAL SURVEY

Full-time equated classified positions.....	68.0
Coal and sand dune management—3.0 FTE positions	\$ 619,600
Metallic mine reclamation—1.0 FTE position	91,000
Mineral wells management—3.0 FTE positions	238,000
Nonferrous metallic mining—2.0 FTE positions	210,500
Orphan well—2.0 FTE positions.....	2,041,200
Services to oil and gas—57.0 FTE positions	7,243,500
GROSS APPROPRIATION.....	\$ 10,443,800

Appropriated from:	
Federal revenues:	
DOI, federal	\$ 423,300
Special revenue funds:	
Metallic mining surveillance fee revenue	91,000
Mineral well regulatory fee revenue	238,000
Nonferrous metallic mineral surveillance	210,500
Oil and gas regulatory fund	7,127,100
Orphan well fund	2,041,200
Publication revenue	116,400
Sand extraction fee revenue	196,300
State general fund/general purpose	\$ 0

Sec. 106. LAND AND WATER MANAGEMENT

Full-time equated classified positions	129.0
Program direction—8.0 FTE positions	\$ 904,500
Field permitting and project assistance—72.0 FTE positions	7,221,000
Great Lakes shorelands—28.0 FTE positions	2,559,000
Water management—21.0 FTE positions	2,618,800
GROSS APPROPRIATION	\$ 13,303,300

Appropriated from:	
Interdepartmental grant revenues:	
IDG, Michigan transportation fund	968,000
Federal revenues:	
DHS, federal	966,400
DOC-NOAA, federal	1,450,100
EPA, multiple	1,007,500
Special revenue funds:	
Environmental protection fund	1,613,800
Land and water permit fees	1,897,400
State general fund/general purpose	\$ 5,400,100

Sec. 107. REMEDIATION AND REDEVELOPMENT

Full-time equated classified positions	297.5
Contaminated site investigation, cleanup, and revitalization—230.5 FTE positions	\$ 22,471,700
Federal cleanup project management—67.0 FTE positions	8,139,700
Emergency cleanup actions	4,000,000
Refined petroleum product cleanup program	22,000,000
Environmental cleanup and redevelopment program	21,100,000
State cleanup 451	2,500,000
Superfund cleanup	4,000,000
Little Black Creek	35,000
City of St. Louis water supply wells	300,000
City of St. Clair Shores - Lange-Revere canals	500,000
GROSS APPROPRIATION	\$ 85,046,400

Appropriated from:	
Federal revenues:	
DHHS, federal	6,100
DOD, federal	1,081,900
EPA, multiple	8,403,500
Special revenue funds:	
Private funds	150,000
Clean Michigan initiative - administration	351,600
Clean Michigan initiative - response activities	5,600,000
Cleanup and redevelopment fund	11,192,300
Environmental protection bond fund	15,500,000
Environmental protection fund	3,700,000
Environmental response fund	8,609,900

		For Fiscal Year Ending Sept. 30, 2007
Landfill maintenance trust fund	\$	54,000
Refined petroleum fund		26,600,700
Settlement funds		1,458,400
State general fund/general purpose	\$	2,338,000

Sec. 108. WASTE AND HAZARDOUS MATERIALS

Full-time equated classified positions	183.5	
Aboveground storage tank program—8.0 FTE positions	\$	733,700
Hazardous waste management program—61.0 FTE positions		6,249,200
Low-level radioactive waste authority—2.0 FTE positions		777,600
Medical waste program		230,400
Radiological protection program—16.5 FTE positions		1,383,600
Scrap tire regulatory program—11.0 FTE positions		1,021,800
Solid waste management program—50.0 FTE positions		4,393,800
Underground storage tank program—35.0 FTE positions		3,288,900
GROSS APPROPRIATION	\$	18,079,000
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDSP		719,800
Federal revenues:		
EPA, multiple		3,875,800
Special revenue funds:		
Aboveground storage tank fees		733,700
Environmental pollution prevention fund		1,965,700
Hazardous materials transportation permit fund		211,200
Medical waste emergency response fund		230,400
Public utility assessments		777,600
Scrap tire regulatory fund		1,021,800
Solid waste program fees		4,322,000
Underground storage tank fees		3,028,200
Waste reduction fee revenue		71,800
State general fund/general purpose	\$	1,121,000

Sec. 109. WATER

Full-time equated classified positions	358.2	
Aquifer protection program	\$	350,000
Aquifer protection and dispute resolution - IDG to Michigan department of agriculture		50,000
Drinking water and environmental health—114.2 FTE positions		16,463,100
Fish contaminant monitoring		316,100
Groundwater discharge—22.0 FTE positions		2,048,300
NPDES nonstormwater program—121.4 FTE positions		10,578,900
Sewage sludge land application program—6.5 FTE positions		823,700
Surface water—94.1 FTE positions		15,083,900
GROSS APPROPRIATION	\$	45,714,000
Appropriated from:		
Federal revenues:		
EPA, multiple		19,030,200
Special revenue funds:		
Aquifer protection revolving fund		400,000
Campground fund		230,700
Clean Michigan initiative - administration		590,500
Clean Michigan initiative - clean water fund		3,276,900
Environmental response fund		162,400
Fees and collections		139,800
Groundwater discharge permit fees		1,912,300
Land and water permit fees		467,400
NPDES fees		3,238,300

		For Fiscal Year Ending Sept. 30, 2007
Public swimming pool fund	\$	525,300
Public water supply fees		2,229,600
Refined petroleum fund		840,200
Saginaw Bay and River restoration revenue		169,900
Septage waste contingency fund		36,600
Septage waste license fees		310,800
Sewage sludge land application fee		823,700
Soil erosion and sedimentation control training fund		111,400
Stormwater permit fees		2,627,600
Water pollution control revolving fund		649,300
Water use reporting fees		238,400
State general fund/general purpose	\$	7,702,700

Sec. 110. CRIMINAL INVESTIGATIONS

Full-time equated classified positions	22.0	
Environmental investigations—22.0 FTE positions	\$	2,504,600
GROSS APPROPRIATION	\$	2,504,600
Appropriated from:		
Federal revenues:		
DHS, federal		539,000
EPA, multiple		149,000
Special revenue funds:		
Environmental response fund		128,100
Oil and gas regulatory fund		351,300
Scrap tire regulatory fund		275,600
State general fund/general purpose	\$	1,061,600

Sec. 111. GRANTS

Coastal management grants	\$	2,000,000
Federal - Great Lakes remedial action plan grants		700,000
Federal - nonpoint source water pollution grants		6,500,000
Grants to counties - air pollution		83,700
Radon grants		90,000
Water pollution control and drinking water revolving fund		97,179,900
Drinking water program grants		1,330,000
Great Lakes research and protection grants		2,000,000
Household hazardous waste collection program		100,000
Local health department operations		10,472,500
Muskegon County		200,000
Noncommunity water grants		1,400,000
Pollution prevention local grants		250,000
Real-time water quality monitoring		250,000
Septage waste compliance grants		1,525,000
Scrap tire grants		4,500,000
Strategic water quality initiative loans		9,800,000
Strategic water quality initiative grants		40,000,000
Volunteer river, stream, and creek cleanup		25,000
GROSS APPROPRIATION	\$	178,406,100
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDCH, local public health operations		10,472,500
Federal revenues:		
DOC-NOAA, federal		1,700,000
EPA, multiple		88,920,000
Special revenue funds:		
Clean Michigan initiative - pollution prevention activities		100,000
Community pollution prevention fund		250,000
Environmental protection fund		200,000

		For Fiscal Year Ending Sept. 30, 2007
Great Lakes protection fund	\$	2,000,000
Public water supply fees		1,400,000
Refined petroleum fund.....		83,700
Revolving loan revenue bonds		11,400,000
Scrap tire regulatory fund		4,500,000
Septage waste license fees.....		1,525,000
Settlement funds.....		250,000
Strategic water quality initiatives fund		49,800,000
Water quality protection fund.....		25,000
State general fund/general purpose	\$	5,779,900

Sec. 112. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$	6,810,400
GROSS APPROPRIATION	\$	6,810,400
Appropriated from:		
Interdepartmental grant revenues:		
IDG, Michigan transportation fund		52,800
Federal revenues:		
DHS, federal.....		17,300
DOC-NOAA, federal		83,300
DOD, federal.....		9,900
DOI, federal		5,800
EPA, multiple.....		1,798,900
Special revenue funds:		
Restricted funds.....		4,310,900
State general fund/general purpose	\$	531,500

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2006-2007 is \$285,207,400.00 and state spending from state resources to be paid to local units of government for fiscal year 2006-2007 is \$5,958,700.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF ENVIRONMENTAL QUALITY REMEDiation AND REDEVELOPMENT

City of St. Louis water supply wells.....	\$	300,000
City of St. Clair Shores - Lange-Revere canals.....		500,000

WASTE AND HAZARDOUS MATERIALS

Radiological protection program.....	\$	25,000
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GRANTS

Household hazardous waste collection program	\$	100,000
Grants to counties - air pollution		83,700
Muskegon County		200,000
Noncommunity water grants.....		1,400,000
Real-time water quality monitoring.....		250,000
Scrap tire grants.....		1,575,000
Septage waste compliance program		1,525,000
TOTAL	\$	5,958,700

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "Department" means the department of environmental quality.
- (b) "DHHS" means the United States department of health and human services.
- (c) "DHS" means the United States department of homeland security.
- (d) "DOC" means the United States department of commerce.
- (e) "DOC-NOAA" means the DOC national oceanic and atmospheric administration.
- (f) "DOD" means the United States department of defense.
- (g) "DOI" means the United States department of interior.
- (h) "EPA" means the United States environmental protection agency.
- (i) "FTE" means full-time equated.
- (j) "IDG" means interdepartmental grant.
- (k) "IDT" means intradepartmental transfer.
- (l) "MDCH" means the Michigan department of community health.
- (m) "MDSP" means the Michigan department of state police.
- (n) "MI" means Michigan.
- (o) "NPDES" means national pollutant discharge elimination system.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director shall grant exceptions to the hiring freeze described in subsection (1) when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause a loss of revenue to the state, result in the inability of the state to receive federal funds, or would necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 206. The department shall use the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 207. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports. To the extent consistent with federal and state guidelines, the requirements of this section are satisfied if the reports funded from appropriations in part 1 are retained in electronic format.

Sec. 208. By February 15, 2007, the department shall provide the state budget director, the subcommittees on environmental quality of the senate and house appropriations committees, and the senate and house fiscal agencies with an annual report on restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2006 and September 30, 2007.

Sec. 209. (1) From funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant or loan or grant and loan programs administered by the department for the fiscal year ending September 30, 2007:

- (a) The name of each program.

(b) The goals of the program, the criteria, eligibility, process, filing fees, nominating procedures, and deadlines for each program.

(c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.

(d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.

(e) Information pertaining to the application process, timeline for each program, and the contact people within the department.

(f) The source of funds for each program, including the citation of pertinent authorizing acts.

(g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.

(h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan.

(2) The reports required under this section shall be submitted to the state budget office, the senate and house appropriations committees, and senate and house fiscal agencies by January 1, 2007.

Sec. 210. The department shall notify the legislature and shall provide a public meeting and public comment opportunity with respect to any request received by the state of Michigan to divert water from the Great Lakes pursuant to the water resources development act of 1986, Public Law 99-662, 100 Stat. 4082.

Sec. 211. (1) The department shall report all of the following information relative to allocations made from appropriations for the environmental cleanup and redevelopment program, state cleanup, emergency actions, superfund cleanup, the revitalization revolving loan program, the brownfield grants and loans program, the leaking underground storage tank cleanup program, the contaminated lake and river sediments cleanup program, the refined petroleum product cleanup program, and the environmental protection bond projects under section 19508(7) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19508, to the state budget director, the senate and house appropriations subcommittees on environmental quality, and the senate and house fiscal agencies:

(a) The name and location of the site for which an allocation is made.

(b) The nature of the problem encountered at the site.

(c) A brief description of how the problem will be resolved if the allocation is made for a response activity.

(d) The estimated date that site closure activities will be completed.

(e) The amount of the allocation, or the anticipated financing for the site.

(f) A summary of the sites and the total amount of funds expended at the sites at the conclusion of the fiscal year.

(g) The number of sites that would qualify as brownfields that were redeveloped.

(2) The report prepared under subsection (1) shall also include all of the following:

(a) The status of all state-owned facilities that are on the list compiled under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142.

(b) The report shall include the total amount of funds expended during the fiscal year and the total amount of funds awaiting expenditure.

(c) The total amount of bonds issued for the environmental protection bond program pursuant to part 193 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19301 to 324.19306, and bonds issued pursuant to the clean Michigan initiative act, 1998 PA 284, MCL 324.95101 to 324.95108.

(3) The report shall be made available by March 31 of each year.

Sec. 212. (1) The department of environmental quality is authorized to expend amounts remaining from the current and prior fiscal year appropriations to meet funding needs of legislatively approved sites for the environmental cleanup and redevelopment program and the leaking underground storage tank cleanup program.

(2) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection bond fund contained in 2003 PA 173 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(3) Unexpended and unencumbered amounts remaining from appropriations from the cleanup and redevelopment fund and unclaimed bottle deposits fund contained in 2003 PA 171, 2003 PA 173, 2003 PA 237, and 2004 PA 350 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(4) Unexpended and unencumbered amounts remaining from appropriations from the clean Michigan initiative fund - response activities contained in 2000 PA 52, 2001 PA 120, 2003 PA 173, 2003 PA 237, 2004 PA 309, 2004 PA 350, and 2005 PA 11 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(5) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection fund contained in 2001 PA 43, 2002 PA 520, 2003 PA 171, and 2004 PA 350 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(6) Unexpended and unencumbered amounts remaining from appropriations from the refined petroleum fund activities contained in 2005 PA 154 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

Sec. 213. Of the money appropriated from the environmental education fund in part 1, \$5,000.00 shall be allocated to Michigan State University Extension Service - 4-H Youth Programs to fund the Michigan Youth Conservation Council.

Sec. 214. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 215. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support department of environmental quality technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 216. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2007 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the house and senate fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state-restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 217. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

Sec. 218. The department shall collaborate with the statewide public advisory council, local advisory councils, the United States environmental protection agency, and other appropriate federal agencies, the department of natural resources, and other appropriate parties to develop a long-term strategy to restore and formally remove Michigan's Great Lakes areas of concern from the federal listing. Among other information, the strategy should include a list of

cleanup, source control, monitoring, and assessment activities eligible for funding under the federal Great Lakes legacy act; their estimated cost; options for meeting any nonfederal funding match requirements for these activities, including recommendations for changes to existing appropriations and program expenditures to qualify as matching funds for federal grant programs; a description of the optimum staffing level for the areas of concern program and available funding options; and a description of the department's role in seeking the formal removal of areas of concern, or specific beneficial use impairments, from the federal list, including minimum cleanup goals for identified impairments based on applicable state and federal regulatory standards and the monitoring programs available for assessing progress in achieving those goals. In addition, the department shall strive to apply for an equitable share of federal funding and technical assistance available to support the area of concern program and strive to provide the funds needed to meet nonfederal funding requirements.

Sec. 219. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 220. The department shall annually report to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies an accounting of all civil and criminal fine revenue collected during the year.

Sec. 221. Unexpended settlement revenues at the end of the fiscal year may be carried forward into the settlement fund in the succeeding fiscal year up to a maximum carryforward of \$2,500,000.00.

Sec. 222. From the funds appropriated in part 1, the department shall expend not more than \$50,000.00 to hire a consulting firm to complete a benchmark study on the air permit, NPDES, and wetland permit programs. This study shall include a calculation of the department's per-permit cost to process the permits, a listing of the timeliness of the process from receipt of permit application to award or denial of permit, and a comparison of Michigan's performance and practices to those of other Great Lakes states. By December 1, 2006, the department shall issue a request for proposals and select an individual or entity as consultant to perform the benchmark analysis. The consultant selected to perform the benchmark analysis shall be Michigan-based and have a proven ability to evaluate regulatory activities and make recommendations for improvement. This benchmark study shall be completed and submitted to the legislature by March 31, 2007. A stakeholder panel shall be established to assist the consultant in developing this benchmark study. The stakeholder panel shall have a total of 7 members as follows:

(a) Two individuals appointed by the speaker of the house, 1 representing permit holders and 1 representing small business.

(b) Two individuals appointed by the senate majority leader, 1 representing permit holders and 1 with performance audit experience.

(c) Three individuals appointed by the governor, consisting of 2 employees of the department and 1 person representing the general public.

Sec. 223. It is the intent of the legislature that, on or before January 1, 2007, the department renew the joint agreement, which was initially signed in January 2002, of the United States environmental protection agency and the state to pursue regulatory innovation. It is the intent that the agreement be renewed in a substantially similar form to uphold the principal tenets of the agreement, including, but not limited to, helping farms and farm operations voluntarily prevent or minimize agricultural pollution risks.

Sec. 225. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities and Baldwin in Lake County compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 226. (1) The appropriation in section 102 includes \$13,476,900.00 from restricted funds. This funding source shall support the restricted fund requirements, pursuant to subsection (3), for selected line items in the executive operations and administrative support appropriation unit.

(2) The appropriation in section 113 includes \$4,310,900.00 from restricted funds. This funding source shall support the restricted fund requirements, pursuant to subsection (3), for the information technology appropriation.

(3) The department shall adopt a cost allocation plan for revenue sources supporting line items listed in sections 102 and 113. This cost allocation plan may be phased in over 3 fiscal years, beginning with the fiscal year ending September 30, 2007.

(4) The department shall provide a report on or before October 31, 2006 to the house and senate appropriations subcommittees on environmental quality and the house and senate fiscal agencies of the line item amounts and detailed revenue sources which support the restricted fund appropriations in sections 102 and 113.

Sec. 227. The department shall submit to the legislature a report that identifies permits that would be required to construct and operate a new oil or alternative fuels refinery in Michigan and recommends legislation and other measures that can be taken by this state to expedite or facilitate the processing of these permits. This report shall be prepared in consultation with the United States environmental protection agency and submitted to the house and senate appropriations subcommittees on environmental quality on or before April 30, 2007.

Sec. 229. The department of environmental quality shall not expend funds to enforce administrative rules, policies, guidelines, or procedures that are more stringent than 40 CFR parts 9, 122, 123, and 412, as finally promulgated. The department shall not implement or enforce administrative rules, policies, guidelines, or procedures that do 1 or more of the following:

(a) Require a farm to obtain a national pollution discharge elimination system permit under part 31 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.3101 to 324.3133, if the farm has not been found by the department to have a regulated discharge of pollutants into waters of this state.

(b) Require submission of field specific information beyond on-site access to the department.

(c) Exceed the agricultural stormwater exemption as defined in the clean water act, 33 USC 1251 to 1387.

AIR QUALITY

Sec. 401. The department shall report quarterly, via the department's Internet website, on air quality program expenditures and revenues. The report shall include expenditures and revenues by fund source and by program function.

ENVIRONMENTAL SCIENCE AND SERVICES

Sec. 501. By July 1, 2007, the department shall prepare and submit a report to the state budget director, the legislature, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations for the department of environmental quality, outlining the implementation of the Great Lakes water quality bond provided for in part 197 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19701 to 324.19708, including, but not limited to, the amount of bonds issued and the date they were issued, the number of applications received for loans from the state water pollution control revolving fund created in section 16a of the shared credit rating act, 1985 PA 227, MCL 141.1066a, the total amount of loans requested, a listing of the applicants receiving loans and the total amount of loans provided to those applicants, a listing of applicants whose loan applications were not approved and the reasons why those applications were not approved, the amount of the loans granted that were leveraged from bond proceeds, and the remaining bond proceeds and bond authorization.

Sec. 502. Revenues remaining in the interdepartmental transfers, laboratory services at the end of the fiscal year shall carry forward into the succeeding fiscal year.

Sec. 503. From the funds appropriated in part 1, the department, in cooperation with the department of agriculture, shall publish by September 30, 2007 an environmental regulatory compliance guide for the fruit and vegetable processing sector. This guide will cross-reference the updated 2006 edition of the "Michigan Manufacturers Guide to Environmental, Health and Safety Regulations". The department will develop by April 30, 2007 a plan and schedule to develop compliance guides for other small business categories. The guides shall provide information to assist small businesses in complying with state environmental regulatory requirements, including requirements pertaining to wetlands, and shall explain in plain language the actions a small business in each sector is required to take to comply with state regulatory requirements, including how to obtain necessary permits.

Sec. 504. The unexpended funds appropriated in part 1 for the brownfield grants and loans program are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the projects to be carried forward is to provide contaminated site cleanup.

(b) The projects will be accomplished by contract.

(c) The total estimated cost of all projects is \$8,811,000.00.

(d) The tentative completion date is September 30, 2011.

LAND AND WATER MANAGEMENT

Sec. 601. The department may waive permit fees for nonprofit organizations conducting approved stream habitat improvement projects.

Sec. 602. The department shall provide a report that defines appropriate beach grooming practices to the senate and house appropriations subcommittees on environmental quality and the senate and house fiscal agencies by April 30, 2007. These beach grooming practices shall be developed in consultation with beach grooming interest groups.

REMEDICATION AND REDEVELOPMENT

Sec. 701. The unexpended funds appropriated in part 1 for emergency cleanup actions, the refined petroleum product cleanup program, and the environmental cleanup and redevelopment program are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the projects to be carried forward is to provide contaminated site cleanup.
- (b) The projects will be accomplished by contract.
- (c) The total estimated cost of all projects is identified in each line-item appropriation.
- (d) The tentative completion date is September 30, 2011.

Sec. 702. From funds appropriated in part 1 for activities related to cleanup sites under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142, the department shall incorporate into remedial action plans area-wide or site-specific cleanup criteria derived from peer-reviewed risk assessment based on bioavailability studies, site-specific human exposure data, and any other scientifically based risk assessment studies that are available and relevant. The department shall submit a report listing efforts made by the department to comply with this section. This report shall be provided to the house and senate appropriations subcommittees on environmental quality on or before January 1, 2007.

Sec. 703. The appropriation in part 1 for the city of St. Louis water supply wells shall be used toward the cost of procuring an alternative water supply.

Sec. 704. Within 60 days of enactment of legislation establishing a permanent cleanup program supported by the refined petroleum fund, the department shall submit a listing of cleanup sites funded from the appropriation in part 1 for the refined petroleum product cleanup program to the senate and house appropriations subcommittees on environmental quality, the senate and house fiscal agencies, and the state budget director.

Sec. 705. The funds appropriated in part 1 for the environmental cleanup and redevelopment program shall be used to fund cleanup activities on the following sites:

Site Name	County
Former Parts Manufacturing	Alcona
Wayland Recycling	Allegan
Portside Cleaners	Antrim
Village of Mancelona	Antrim
Wickes Manufacturing Mancelona	Antrim
Kavco Landfill	Barry
Residential Wells Niles 3rd St	Berrien
Truck Terminals	Berrien
Butler Motor Speedway	Branch
Marshall Iron & Metal	Calhoun
Cass St Area Edwardsburg	Cass
Henco Enterprises	Cass
Southwest Cass Co Landfill	Cass
U.S. Aviex	Cass
Gladstone Creosote Discharge	Delta
Gladwin Bulk Oil Plant State St	Gladwin
Alma Iron Metal Smith Property	Gratiot
Gratiot County Landfill	Gratiot
Gratiot Metals Property	Gratiot

Americhem Corporation	Ingham
E.A. Woods	Iosco
Hedblum Industries	Iosco
Residential Wells Bachman Rd	Iosco
Buck Mine Discharge	Iron
Jourdian	Isabella
Horton Company	Jackson
Ryerson-Haynes	Jackson
Lakeside Refining	Kalamazoo
North 34th St Area Richland	Kalamazoo
Schoolcraft Area Organics Contamination	Kalamazoo
Franklin Metal Trading Corp (CEMSI)	Kent
Smiths Industries	Kent
Sparta Foundry (Federal Mogul)	Kent
Wash King Laundry	Lake
Howard Street Area	Lapeer
Grand Traverse Overall Supply	Leelanau
Adrian Dry Cleaner	Lenawee
Residential Wells Holly Road	Livingston
Mason County Landfill	Mason
Crystal Refinery	Montcalm
Peerless Plating	Muskegon
Story/Ott/Cordova Chemical Co	Muskegon
Zephyr, Inc (Naph-Sol Refining)	Muskegon
Coe's Cleaners	Oakland
Rockcroft Street Residential Wells	Oakland
Sanicem Landfill	Oakland
Six Star Landfill (AKA) Stan's Trucking	Oakland
Waterford Hills Sanitary Landfill	Oakland
Franklin Forge	Ogemaw
Hoskins Manufacturing	Oscoda
Fenske Landfill Ottawa Co	Ottawa
Former Burnside Manufacturing Co	Ottawa
MDOT M13 Ramps	Saginaw
National Plate Glass (L.A. Davidson)	Saginaw
Black River St 2381	Sanilac
Magnetek	Shiawassee
Fort Gratiot Sanitary Landfill	St. Clair
Huron Development Landfill	St. Clair
Winchester Disposal	St. Clair
Belgravia (former Hamlin Overton)	Van Buren
Green Acres Subdivision	Van Buren
CYB Tool (former)	Wayne
Feister Oil Co	Wayne
AAR Cadillac Manufacturing	Wexford
Cadillac Area Groundwater Contamination - Rexair	Wexford
Mitchell Bentley - Cadillac	Wexford
Formerly Used Defense Sites	Statewide

WASTE AND HAZARDOUS MATERIALS

Sec. 801. The department shall notify the members of the senate and house of representatives of the appropriate district at least 48 hours in advance of a departmental order which suspends or red tags any wholesale or retail sale of petroleum products. If imminent public health and safety concerns require action on a department order in less than 48 hours, the department shall notify the appropriate members of the senate and house of representatives of the department order within 48 hours after the action is completed.

Sec. 802. It is the intent of the legislature that the recommendations of the site review board, as established in section 11117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11117, are the final approval for each site construction permit application that is referred to the board by the department.

Sec. 803. The department shall annually provide a report to the city of Romulus, city of Taylor, and Wayne County containing all of the following:

(a) Information concerning the release or discharge of any hazardous waste or hazardous waste constituent that may endanger public drinking water supplies or the environment.

(b) Information concerning the fire, explosion, or other release or discharge of any hazardous waste or hazardous waste constituent that could threaten human health or the environment or a spill that has reached surface water or groundwater.

(c) A summary of groundwater quality data, data graphs, data tables, statistical analyses to date, and identification of any statistically significant increases.

(d) With respect to the information described in subdivisions (a) to (c), a description of any noncompliance and its cause; the periods of noncompliance, including exact dates and times; whether the noncompliance has been corrected and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance and when those activities occurred or will occur.

WATER

Sec. 901. By February 1, 2007, the department shall submit a report on the department's use of the national pollutant discharge elimination system fund created in MCL 324.3121 for the previous fiscal year, to the senate and house appropriations subcommittees on environmental quality, the standing committees of the legislature with jurisdiction over issues primarily related to natural resources and the environment, and the senate and house fiscal agencies. The report shall include a summary of how the appropriations in part 1 for NPDES nonstormwater program were used for the various permissible uses of the fund and shall include specific information on all of the following:

(a) The number of compliance and complaint inspections completed, by category, the number of on-site compliance inspections conducted, and the number of compliance inspections that were not announced in advance to the permittee or licensee.

(b) The number and percent of permit and license inspections that were found to be in significant noncompliance, by category.

(c) The number of administrative enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(d) The number of judicial enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(e) A listing of the supplemental environmental projects agreed to as a result of a consent agreement including all of the following: the case name, the monetary value of the supplemental environmental project, and a description of the project.

Sec. 902. Of the funds appropriated in part 1 for safe drinking water assistance activities under part 54 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.5401 to 324.5418, the department shall allocate the full 2% available for technical assistance under 42 USC 300j-12.

GRANTS

Sec. 1101. If a certified health department does not exist in a city, county, or district or does not fulfill its responsibilities under part 117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11701 to 324.11720, then the department may spend funds appropriated in part 1 under the septage waste compliance program in accordance with section 11716 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11716.

Sec. 1102. Of the funds appropriated in part 1 for scrap tire grants, \$100,000.00 shall be available for grants to communities to cover scrap tire fire suppression costs, provided owner liability bonds and other available funding sources have been exhausted.

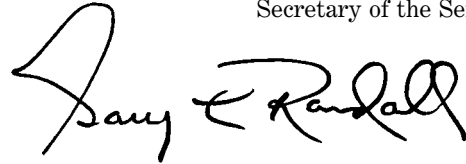
Sec. 1103. The appropriation in part 1 for a real-time water quality monitoring grant is a grant to Macomb County and St. Clair County to support a real-time water quality monitoring program in the St. Clair watershed. By September 30, 2007, grant recipients shall report to the department on the plan, implementation, and status of the project. The department shall forward the report to the state budget director, the senate and house appropriations subcommittees on environmental quality, the senate and house standing committees on natural resources and environmental issues, and the senate and house fiscal agencies.

Sec. 1104. The appropriation in part 1 for Muskegon County is to provide partial funding support for the development of a wetlands at the Muskegon County wastewater treatment facility along Little Black Creek.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor