

SUBSTITUTE FOR
HOUSE BILL NO. 4016

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 27.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 27 PROGRAM REVIEW

SEC. 2701. AS USED IN THIS PART:

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

(B) "PROGRAM" MEANS A PERMIT PROGRAM OR REGULATORY PROGRAM
ADMINISTERED BY THE DEPARTMENT UNDER THIS ACT.

SEC. 2703. (1) THE DEPARTMENT SHALL COMPLETE PROCESS
IMPROVEMENT OF 1 MAJOR PROGRAM BY FEBRUARY 1, 2012 AND 2 MAJOR
PROGRAMS EACH YEAR THEREAFTER UNTIL THE DEPARTMENT HAS COMPLETED
PROCESS IMPROVEMENT FOR ALL MAJOR PROGRAMS. THIS SUBSECTION DOES

1 NOT REQUIRE THE DEPARTMENT TO REPEAT PROCESS IMPROVEMENT FOR A
2 PROGRAM IF PROCESS IMPROVEMENT FOR THAT PROGRAM WAS COMPLETED
3 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
4 SECTION.

5 (2) PROCESS IMPROVEMENT UNDER SUBSECTION (1) SHALL MEET ALL OF
6 THE FOLLOWING REQUIREMENTS:

7 (A) UTILIZE PROCESS MAPPING.

8 (B) BE CONDUCTED BY A TEAM THAT INCLUDES AT LEAST ALL OF THE
9 FOLLOWING:

10 (i) TWO CERTIFIED FACILITATORS, WHO SHALL ADMINISTER THE
11 PROCESS IMPROVEMENT.

12 (ii) A REPRESENTATIVE OF PERSONS REGULATED BY THE PROGRAM.

13 (iii) A REPRESENTATIVE OF MEMBERS OF THE GENERAL PUBLIC AFFECTED
14 BY THE PROGRAM.

15 (3) THE DEPARTMENT SHALL CONSIDER USING PEER REVIEWS BY OTHER
16 EPA REGION 5 STATES AND BENCHMARK ANALYSES AS PART OF PROCESS
17 IMPROVEMENT UNDER SUBSECTION (1).

18 (4) THE DEPARTMENT SHALL POST ON ITS WEBSITE A DESCRIPTION OF
19 THE PROCESS IMPROVEMENTS MADE FOR EACH MAJOR PROGRAM.

20 SEC. 2705. (1) THE DEPARTMENT SHALL DEVELOP METRICS FOR ALL OF
21 THE FOLLOWING:

22 (A) ENVIRONMENTAL IMPACTS.

23 (B) PROCESS PERFORMANCE. FOR A PERMIT PROGRAM, PROCESS
24 PERFORMANCE SHALL INCLUDE ALL OF THE FOLLOWING:

25 (i) A CALCULATION OF THE DEPARTMENT'S PER-PERMIT COST TO
26 ADMINISTER THE PROGRAM.

27 (ii) A REVIEW OF THE TIMELINESS OF THE PERMIT PROCESS FROM

1 RECEIPT TO APPROVAL OR DENIAL OF A PERMIT APPLICATION.

2 (C) A REVIEW OF SERVICE PRACTICES AFFECTING REGULATED PERSONS
3 AND THE GENERAL PUBLIC.

4 (2) THE DEPARTMENT SHALL POST ON ITS WEBSITE THE METRICS
5 DEVELOPED FOR THE PURPOSES OF SUBSECTION (1).

6 SEC. 2707. FOR EACH DIVISION OF THE DEPARTMENT, THE DEPARTMENT
7 SHALL SURVEY PERSONS REGULATED BY THAT DIVISION AND THE GENERAL
8 PUBLIC CONCERNING THE DIVISION'S SERVICE PRACTICES. BY FEBRUARY 1,
9 2012, THE DEPARTMENT SHALL COMPLETE THE SURVEYS AND POST THE
10 RESULTS ON ITS WEBSITE. THE DEPARTMENT SHALL NOT POST ON ITS
11 WEBSITE SURVEY INFORMATION IDENTIFYING A SURVEY RESPONDENT, AND
12 SUCH INFORMATION IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF
13 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.