

**SUBSTITUTE FOR
HOUSE BILL NO. 4397**

A bill to make appropriations for the department of environment, Great Lakes, and energy for the fiscal year ending September 30, 2022; and to provide for the expenditure of the appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the department of environment, Great Lakes, and energy for the fiscal year ending September 30, 2022, from the following funds:

**DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND
ENERGY**

APPROPRIATION SUMMARY

1	Full-time equated unclassified positions	1.0	
2	Full-time equated classified positions	1,423.0	
3	GROSS APPROPRIATION		\$ 155,603,200
4	Total interdepartmental grants and		
5	intradepartmental transfers		885,900
6	ADJUSTED GROSS APPROPRIATIONS		\$ 154,717,300
7	Federal revenues:		
8	Total federal revenues		42,972,300
9	Special revenue funds:		
10	Total local revenues		0
11	Total private revenues		352,700
12	Total other state restricted revenues		76,076,300
13	State general fund/general purpose		\$ 35,316,000
14	Sec. 102. DEPARTMENTAL ADMINISTRATION AND		
15	SUPPORT		
16	Full-time equated unclassified positions	1.0	
17	Full-time equated classified positions	106.0	
18	Unclassified salaries--FTE positions	1.0	\$ 43,400
19	Accounting service center		365,900
20	Administrative hearings officers		227,500
21	Environmental investigations--FTEs	12.0	637,300
22	Environmental support--FTEs	56.0	2,094,900
23	Environmental support projects		1,500,000
24	Executive direction--FTEs	14.0	585,100
25	Facilities management		250,000
26	Financial support--FTEs	24.0	867,800
27	Property management		1,927,600
28	GROSS APPROPRIATION		\$ 8,499,500

1	Appropriated from:	
2	Interdepartmental grant revenues:	
3	IDG from department of state police	21,700
4	IDG from state transportation department	30,500
5	Federal revenues:	
6	Federal funds	151,200
7	Special revenue funds:	
8	Private funds	187,600
9	Air emissions fees	238,200
10	Aquatic nuisance control fund	21,900
11	Campground fund	7,300
12	Cleanup and redevelopment fund	532,500
13	Electronic waste recycling fund	10,600
14	Environmental education fund	49,100
15	Environmental pollution prevention fund	146,500
16	Fees and collections	6,300
17	Financial instruments	2,030,800
18	Great Lakes protection fund	12,000
19	Groundwater discharge permit fees	35,600
20	Infrastructure construction fund	1,300
21	Laboratory services fees	144,200
22	Land and water permit fees	36,300
23	Medical waste emergency response fund	10,600
24	Metallic mining surveillance fee revenue	2,700
25	Mineral well regulatory fee revenue	2,700
26	Nonferrous metallic mineral surveillance	12,700
27	NPDES fees	101,800
28	Oil and gas regulatory fund	200,500

1	Orphan well fund		24,600
2	Public swimming pool fund		14,700
3	Public utility assessments		170,500
4	Public water supply fees		107,500
5	Refined petroleum fund		854,300
6	Renew Michigan fund		745,700
7	Sand extraction fee revenue		2,700
8	Scrap tire regulatory fund		58,800
9	Septage waste program fund		12,000
10	Settlement funds		250,000
11	Sewage sludge land application fee		20,000
12	Soil erosion and sedimentation control training		
13	fund		3,400
14	Solid waste management fund - staff account		273,900
15	Stormwater permit fees		50,900
16	Strategic water quality initiatives fund		28,500
17	Underground storage tank cleanup fund		67,800
18	Wastewater operator training fees		12,700
19	Water pollution control revolving fund		15,300
20	Water use reporting fees		6,000
21	State general fund/general purpose	\$	1,785,600
22	Sec. 103. OFFICE OF THE GREAT LAKES		
23	Full-time equated classified positions	15.0	
24	Great Lakes restoration initiative--FTEs	9.0	\$ 1,897,800
25	Office of the Great Lakes--FTEs	6.0	205,600
26	GROSS APPROPRIATION	\$	2,103,400
27	Appropriated from:		
28	Federal revenues:		

1	Federal funds		1,904,300
2	Special revenue funds:		
3	Great Lakes protection fund		126,300
4	State general fund/general purpose	\$	72,800
5	Sec. 104. WATER RESOURCES DIVISION		
6	Full-time equated classified positions	321.0	
7	Aquatic nuisance control program--FTEs	6.0	\$ 239,700
8	Coastal management grants--FTEs	7.0	628,200
9	Dam safety grant program		1,000,000
10	Expedited water/wastewater permits--FTEs	1.0	12,800
11	Federal - Great Lakes remedial action plan		
12	grants		146,000
13	Federal - nonpoint source water pollution		
14	grants		1,020,800
15	Fish contaminant monitoring		79,000
16	Great Lakes restoration initiative		902,100
17	Groundwater discharge permit program--FTEs	22.0	835,900
18	Land and water interface permit programs--FTEs	84.0	3,145,100
19	Nonpoint source pollution prevention and		
20	control project program		500,000
21	NPDES nonstormwater program--FTEs	83.0	3,405,700
22	Program direction and project assistance--FTEs	27.0	809,400
23	Sewage sludge land application program--FTEs	7.0	223,100
24	Stormwater activities--FTEs	27.5	1,325,700
25	Surface water--FTEs	51.5	2,162,600
26	Technology advancements for water monitoring		125,000
27	Water quality protection grants		25,000
28	Water withdrawal assessment program--FTEs	5.0	210,700

1	Wetlands program	250,000
2	GROSS APPROPRIATION	\$ 17,046,800
3	Appropriated from:	
4	Interdepartmental grant revenues:	
5	IDG from state transportation department	333,000
6	Federal revenues:	
7	Federal funds	6,656,300
8	Special revenue funds:	
9	Aquatic nuisance control fund	239,700
10	Clean Michigan initiative fund - clean water	
11	fund	654,300
12	Clean Michigan initiative fund - nonpoint	
13	source	500,000
14	Environmental response fund	145,000
15	Groundwater discharge permit fees	372,600
16	Infrastructure construction fund	12,800
17	Land and water permit fees	848,400
18	NPDES fees	1,073,600
19	Refined petroleum fund	112,800
20	Sewage sludge land application fee	223,500
21	Soil erosion and sedimentation control training	
22	fund	35,100
23	Stormwater permit fees	564,900
24	Wastewater operator training fees	76,000
25	Water pollution control revolving fund	36,700
26	Water quality protection fund	25,000
27	Water use reporting fees	64,000
28	State general fund/general purpose	\$ 5,073,100

1	Sec. 105. AIR QUALITY DIVISION		
2	Full-time equated classified positions	187.0	
3	Air quality programs--FTEs	187.0	\$ 7,604,200
4	GROSS APPROPRIATION		\$ 7,604,200
5	Appropriated from:		
6	Federal revenues:		
7	Federal funds		1,873,300
8	Special revenue funds:		
9	Air emissions fees		2,634,300
10	Fees and collections		53,400
11	Oil and gas regulatory fund		36,900
12	Public utility assessments		37,500
13	Refined petroleum fund		939,800
14	State general fund/general purpose		\$ 2,029,000
15	Sec. 106. REMEDIATION AND REDEVELOPMENT		
16	DIVISION		
17	Full-time equated classified positions	311.0	
18	Brownfield grants		\$ 275,000
19	Contaminated site investigations, cleanup and		
20	revitalization--FTEs	130.0	4,769,800
21	Emergency cleanup actions		500,000
22	Environmental cleanup support		7,575,000
23	Federal cleanup project management--FTEs	40.0	1,815,900
24	Laboratory services--FTEs	42.0	2,105,000
25	Refined petroleum product cleanup program--FTEs	99.0	8,780,900
26	Superfund cleanup		250,000
27	GROSS APPROPRIATION		\$ 26,071,600
28	Appropriated from:		

1	Federal revenues:		
2	Federal funds		1,634,500
3	Special revenue funds:		
4	Brownfield development fund		275,000
5	Cleanup and redevelopment fund		6,043,300
6	Environmental response fund		7,685,500
7	Laboratory services fees		2,024,100
8	Public water supply fees		80,900
9	Refined petroleum fund		8,254,600
10	State general fund/general purpose	\$	73,700
11	Sec. 107. UNDERGROUND STORAGE TANK AUTHORITY		
12	Full-time equated classified positions	5.0	
13	Underground storage tank cleanup program--FTEs	5.0 \$	5,017,300
14	GROSS APPROPRIATION	\$	5,017,300
15	Appropriated from:		
16	Special revenue funds:		
17	Underground storage tank cleanup fund		5,017,300
18	State general fund/general purpose	\$	0
19	Sec. 108. RENEWING MICHIGAN'S ENVIRONMENT		
20	Full-time equated classified positions	133.0	
21	Mapping and other support--FTEs	5.0 \$	998,900
22	Renewing Michigan's environment program--FTEs	128.0	17,490,600
23	GROSS APPROPRIATION	\$	18,489,500
24	Appropriated from:		
25	Special revenue funds:		
26	Renew Michigan fund		17,490,600
27	State general fund/general purpose	\$	998,900
28	Sec. 109. INFORMATION TECHNOLOGY		

1	Information technology services and projects	\$	2,394,700
2	GROSS APPROPRIATION	\$	2,394,700
3	Appropriated from:		
4	Interdepartmental grant revenues:		
5	IDG from department of state police		6,400
6	IDG from state transportation department		9,200
7	Federal revenues:		
8	Federal funds		459,700
9	Special revenue funds:		
10	Private funds		3,800
11	Air emissions fees		73,000
12	Aquatic nuisance control fund		6,600
13	Campground fund		2,200
14	Cleanup and redevelopment fund		163,600
15	Electronic waste recycling fund		3,200
16	Environmental education fund		1,200
17	Environmental pollution prevention fund		41,800
18	Fees and collections		1,600
19	Financial instruments		275,200
20	Great Lakes protection fund		3,600
21	Groundwater discharge permit fees		10,400
22	Infrastructure construction fund		400
23	Laboratory services fees		43,400
24	Land and water permit fees		16,600
25	Medical waste emergency response fund		3,200
26	Metallic mining surveillance fee revenue		800
27	Mineral well regulatory fee revenue		800
28	Nonferrous metallic mineral surveillance		3,800

1	NPDES fees		30,600
2	Oil and gas regulatory fund		61,600
3	Orphan well fund		7,400
4	Public swimming pool fund		4,400
5	Public utility assessments		3,200
6	Public water supply fees		32,400
7	Refined petroleum fund		265,600
8	Renew Michigan fund		230,600
9	Sand extraction fee revenue		800
10	Scrap tire regulatory fund		17,600
11	Septage waste program fund		3,600
12	Sewage sludge land application fee		6,000
13	Soil erosion and sedimentation control training		
14	fund		1,000
15	Solid waste management fund - staff account		85,200
16	Stormwater permit fees		15,400
17	Strategic water quality initiatives fund		8,600
18	Underground storage tank cleanup fund		20,400
19	Wastewater operator training fees		3,800
20	Water pollution control revolving fund		4,600
21	Water use reporting fees		1,800
22	State general fund/general purpose	\$	459,600
23	Sec. 110. CLIMATE AND ENERGY		
24	Full-time equated classified positions	3.0	
25	Office of climate and energy--FTEs	3.0 \$	65,700
26	GROSS APPROPRIATION	\$	65,700
27	Appropriated from:		
28	Federal revenues:		

1	Federal funds		12,400
2	Special revenue funds:		
3	Public utility assessments		9,900
4	State general fund/general purpose	\$	43,400
5	Sec. 111. DRINKING WATER AND ENVIRONMENTAL		
6	HEALTH		
7	Full-time equated classified positions	125.0	
8	Drinking water--FTEs	68.0	\$ 2,978,900
9	Drinking water program grants		207,500
10	Environmental health--FTEs	57.0	1,794,800
11	Noncommunity water grants		476,400
12	Septage waste compliance grants		68,800
13	GROSS APPROPRIATION	\$	5,526,400
14	Appropriated from:		
15	Federal revenues:		
16	Federal funds		2,639,000
17	Special revenue funds:		
18	Campground fund		77,200
19	Fees and collections		8,600
20	Public swimming pool fund		159,100
21	Public water supply fees		1,081,900
22	Refined petroleum fund		185,600
23	Septage waste program fund		124,700
24	Wastewater operator training fees		65,600
25	State general fund/general purpose	\$	1,184,700
26	Sec. 112. MATERIALS MANAGEMENT DIVISION		
27	Full-time equated classified positions	129.0	

1	Environmental sustainability and stewardship--		
2	FTEs	11.0	\$ 1,556,000
3	Hazardous waste management program--FTEs	45.0	1,456,700
4	Low-level radioactive waste authority--FTEs	2.0	61,600
5	Medical waste program--FTEs	2.0	80,000
6	Pollution prevention--FTEs	7.0	577,900
7	Radiological protection program--FTEs	12.0	508,900
8	Recycling initiative--FTEs	3.0	255,600
9	Scrap tire grants		875,000
10	Scrap tire regulatory program--FTEs	10.0	342,200
11	Solid waste management program--FTEs	37.0	1,660,600
12	GROSS APPROPRIATION		\$ 7,374,500
13	Appropriated from:		
14	Interdepartmental grant revenues:		
15	IDG from department of state police		430,100
16	Federal revenues:		
17	Federal funds		1,785,900
18	Special revenue funds:		
19	Private funds		161,300
20	Cleanup and redevelopment fund		255,600
21	Coal ash care fund		64,600
22	Community pollution prevention fund		62,500
23	Electronic waste recycling fund		80,000
24	Energy efficiency and renewable energy		
25	revolving loan fund		62,500
26	Environmental pollution prevention fund		994,600
27	Medical waste emergency response fund		80,000
28	Public utility assessments		445,600

1	Retired engineers technical assistance program		
2	fund		122,800
3	Scrap tire regulatory fund		1,217,200
4	Small business pollution prevention revolving		
5	loan fund		33,600
6	Solid waste management fund - staff account		1,516,000
7	Technologically enhanced naturally occurring		
8	radioactive material		62,200
9	State general fund/general purpose	\$	0
10	Sec. 113. OIL, GAS, AND MINERALS DIVISION		
11	Full-time equated classified positions	59.0	
12	Oil, gas, and mineral services--FTEs	59.0	\$ 2,907,700
13	GROSS APPROPRIATION	\$	2,907,700
14	Appropriated from:		
15	Interdepartmental grant revenues:		
16	IDG from department of licensing and regulatory		
17	affairs		55,000
18	Federal revenues:		
19	Federal funds		37,500
20	Special revenue funds:		
21	Metallic mining surveillance fee revenue		23,100
22	Mineral well regulatory fee revenue		52,100
23	Native copper mine fund		12,500
24	Nonferrous metallic mineral surveillance		93,100
25	Oil and gas regulatory fund		934,500
26	Orphan well fund		583,200
27	Sand extraction fee revenue		21,500
28	State general fund/general purpose	\$	1,095,200

1	Sec. 114. WATER INFRASTRUCTURE		
2	Full-time equated classified positions	29.0	
3	Municipal assistance--FTEs	29.0	\$ 1,251,900
4	Water state revolving funds		30,000,000
5	GROSS APPROPRIATION		\$ 31,251,900
6	Appropriated from:		
7	Federal revenues:		
8	Federal funds		25,818,200
9	Special revenue funds:		
10	Revolving loan revenue bonds		3,750,000
11	Strategic water quality initiatives fund		305,600
12	Water pollution control revolving fund		128,100
13	State general fund/general purpose		\$ 1,250,000
14	Sec. 115. ONE-TIME APPROPRIATIONS		
15	Dam safety emergency fund		\$ 15,000,000
16	PFAS and emerging contaminants		6,250,000
17	GROSS APPROPRIATION		\$ 21,250,000
18	Appropriated from:		
19	Special revenue funds:		
20	State general fund/general purpose		\$ 21,250,000

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

FOR FISCAL YEAR 2021-2022

GENERAL SECTIONS

26 Sec. 201. Pursuant to section 30 of article IX of the state
 27 constitution of 1963, total state spending from state sources under
 28 part 1 for fiscal year 2021-2022 is \$111,392,300.00 and state
 29 spending from state sources to be paid to local units of government

1 for fiscal year 2021-2022 is \$8,880,300.00. The itemized statement
 2 below identifies appropriations from which spending to local units
 3 of government will occur:

4 DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND		
5 ENERGY		
6	Brownfield grants	\$ 250,000
7	Dam safety grant program	1,000,000
8	Emergency cleanup actions	29,000
9	Environmental health	100,000
10	Environmental sustainability and stewardship	62,500
11	Medical waste program	17,500
12	Noncommunity water grants	475,000
13	Refined petroleum product cleanup program	\$ 1,250,000
14	Renewing Michigan's environment program	5,000,000
15	Scrap tire grants	500,000
16	Septage waste compliance grants	\$ 31,300
17	Surface water	40,000
18	Technology advancements for water monitoring	125,000
19	TOTAL	\$ 8,880,300

20 Sec. 202. The appropriations authorized under this part and
 21 part 1 are subject to the management and budget act, 1984 PA 431,
 22 MCL 18.1101 to 18.1594.

23 Sec. 203. As used in this part and part 1:

24 (a) "Department" means the department of environment, Great
 25 Lakes, and energy.

26 (b) "Director" means the director of the department.

27 (c) "FTE" means full-time equated.

28 (d) "IDG" means interdepartmental grant.

29 (e) "NPDES" means national pollution discharge elimination

1 system.

2 Sec. 204. The departments and agencies receiving
3 appropriations in part 1 shall use the internet to fulfill the
4 reporting requirements of this part. This requirement shall include
5 transmission of reports via email to the recipients identified for
6 each reporting requirement and it shall include placement of
7 reports on an internet site.

8 Sec. 205. Funds appropriated in part 1 shall not be used for
9 the purchase of foreign goods or services, or both, if
10 competitively priced and of comparable quality American goods or
11 services, or both, are available. Preference shall be given to
12 goods or services, or both, manufactured or provided by Michigan
13 businesses, if they are competitively priced and of comparable
14 quality. In addition, preference shall be given to goods or
15 services, or both, that are manufactured or provided by Michigan
16 businesses owned and operated by veterans, if they are
17 competitively priced and of comparable quality.

18 Sec. 206. The department shall not take disciplinary action
19 against an employee of the department or departmental agency in the
20 state classified civil service because the employee communicates
21 with a member of the senate or house or a member's staff, unless
22 the communication is prohibited by law and the department or agency
23 taking disciplinary action is exercising its authority as provided
24 by law.

25 Sec. 207. Consistent with section 217 of the management and
26 budget act, 1984 PA 431, MCL 18.1217, the departments and agencies
27 receiving appropriations in part 1 shall prepare a report on out-
28 of-state travel expenses not later than January 1 of each year. The
29 travel report shall be a listing of all travel by classified and

1 unclassified employees outside this state in the immediately
2 preceding fiscal year that was funded in whole or in part with
3 funds appropriated under this part and part 1. The report shall be
4 submitted to the senate and house appropriations committees, the
5 senate and house fiscal agencies, and the state budget director.
6 The report shall include the following information:

7 (a) The dates of each travel occurrence.

8 (b) The transportation and related costs of each travel
9 occurrence, including the proportion funded with state general
10 fund/general purpose revenues, the proportion funded with state
11 restricted revenues, the proportion funded with federal revenues,
12 and the proportion funded with other revenues.

13 Sec. 208. Funds appropriated in part 1 shall not be used by a
14 principal executive of the department, state agency, or authority
15 to hire a person to provide legal services that are the
16 responsibility of the attorney general. This prohibition does not
17 apply to legal services for bonding activities and for those
18 outside services that the attorney general authorizes.

19 Sec. 209. Not later than November 30, the state budget office
20 shall prepare and transmit a report that provides for estimates of
21 the total general fund/general purpose appropriation lapses at the
22 close of the prior fiscal year. This report shall summarize the
23 projected year-end general fund/general purpose appropriation
24 lapses by major departmental program or program areas. The report
25 shall be transmitted to the chairs of the senate and house
26 appropriations committees and the senate and house fiscal agencies.

27 Sec. 210. In addition to the funds appropriated in part 1,
28 there is appropriated an amount not to exceed \$3,000,000.00 for
29 state restricted contingency authorization. These funds are not

1 available for expenditure until they have been transferred to
2 another line item in part 1 under section 393(2) of the management
3 and budget act, 1984 PA 431, MCL 18.1393.

4 Sec. 211. From the funds appropriated in part 1, the
5 department shall provide to the department of technology,
6 management, and budget information sufficient to maintain a
7 searchable website accessible by the public at no cost that
8 includes, but is not limited to, all of the following for the
9 department or agency:

10 (a) Fiscal year-to-date expenditures by category.

11 (b) Fiscal year-to-date expenditures by appropriation unit.

12 (c) Fiscal year-to-date payments to a selected vendor,
13 including the vendor name, payment date, payment amount, and
14 payment description.

15 (d) The number of active department employees by job
16 classification.

17 (e) Job specifications and wage rates.

18 Sec. 212. Within 14 days after the release of the executive
19 budget recommendation, the department shall provide to the state
20 budget office information sufficient to provide the senate and
21 house appropriations chairs, senate and house appropriations
22 subcommittees chairs, and the senate and house fiscal agencies with
23 an annual report on estimated state restricted fund balances, state
24 restricted fund projected revenues, and state restricted fund
25 expenditures for the fiscal years ending September 30, 2021 and
26 September 30, 2022.

27 Sec. 213. The department shall maintain, on a publicly
28 accessible website, a department scorecard that identifies, tracks,
29 and regularly updates key metrics that are used to monitor and

1 improve the department's performance.

2 Sec. 214. Total authorized appropriations from all sources
3 under part 1 for legacy costs for the fiscal year ending September
4 30, 2022 are estimated at \$33,648,000.00. From this amount, total
5 department appropriations for pension-related legacy costs are
6 estimated at \$18,851,400.00. Total department appropriations for
7 retiree health care legacy costs are estimated at \$14,796,600.00.

8 Sec. 215. To the extent permissible under the management and
9 budget act, 1984 PA 431, MCL 18.1101 to 18.1594, the director shall
10 take all reasonable steps to ensure businesses in deprived and
11 depressed communities compete for and perform contracts to provide
12 services or supplies, or both. The director shall strongly
13 encourage firms with which the department contracts to subcontract
14 with certified businesses in depressed and deprived communities for
15 services, supplies, or both.

16 Sec. 216. (1) On a quarterly basis, the department shall
17 report to the senate and house appropriations committees, the
18 senate and house appropriations subcommittees on the department
19 budget, and the senate and house fiscal agencies the following
20 information:

21 (a) The number of FTEs in pay status by type of staff and
22 civil service classification.

23 (b) A comparison by line item of the number of FTEs authorized
24 from funds appropriated in part 1 to the actual number of FTEs
25 employed by the department at the end of the reporting period.

26 (2) By April 1 of the current fiscal year and semiannually
27 thereafter, the department shall report to the senate and house
28 appropriations committees, the senate and house appropriations
29 subcommittees on the department budget, and the senate and house

1 fiscal agencies the following information:

2 (a) Number of employees that were engaged in remote work in
3 2021.

4 (b) Number of employees authorized to work remotely and the
5 actual number of those working remotely in the current reporting
6 period.

7 (c) Estimated net cost savings achieved by remote work.

8 (d) Reduced use of office space associated with remote work.

9 Sec. 217. Appropriations in part 1 shall, to the extent
10 possible, not be expended by the department until all existing work
11 project authorizations available for the same purposes are
12 exhausted.

13 Sec. 218. If the state administrative board, acting under
14 section 3 of 1921 PA 2, MCL 17.3, transfers funds from an amount
15 appropriated under this part and part 1, the legislature may, by a
16 concurrent resolution adopted by a majority of the members elected
17 to and serving in each house, intertransfer funds within this part
18 and part 1 for the particular department, board, commission,
19 officer, or institution.

20 Sec. 219. The departments and agencies receiving
21 appropriations in part 1 shall receive and retain copies of all
22 reports funded from appropriations in part 1. Federal and state
23 guidelines for short-term and long-term retention of records shall
24 be followed. The department may electronically retain copies of
25 reports unless otherwise required by federal and state guidelines.

26 Sec. 220. The department shall report no later than April 1 on
27 each specific policy change made to implement a public act
28 affecting the department that took effect during the prior calendar
29 year to the senate and house appropriations committees, the senate

1 and house subcommittees on the department budget, the joint
2 committee on administrative rules, and the senate and house fiscal
3 agencies.

4 Sec. 221. (1) Funds appropriated in part 1 shall not be used
5 by the department to promulgate a rule that will apply to a small
6 business and that will have a disproportionate economic impact on
7 small businesses because of the size of those businesses if the
8 department fails to reduce the disproportionate economic impact of
9 the rule on small businesses as provided under section 40 of the
10 administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

11 (2) As used in this section:

12 (a) "Rule" means that term as defined under section 7 of the
13 administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

14 (b) "Small business" means that term as defined under section
15 7a of the administrative procedures act of 1969, 1969 PA 306, MCL
16 24.207a.

17 Sec. 222. (1) The department shall report all of the following
18 information relative to allocations made from appropriations for
19 the environmental cleanup and redevelopment program, state
20 cleanups, emergency actions, superfund cleanups, the revitalization
21 revolving loan program, the brownfield grants and loans program,
22 the leaking underground storage tank cleanup program, the
23 contaminated lake and river sediments cleanup program, the refined
24 petroleum product cleanup program, and the environmental protection
25 bond projects under section 19508(7) of the natural resources and
26 environmental protection act, 1994 PA 451, MCL 324.19508, to the
27 state budget director, the senate and house appropriations
28 subcommittees on the department budget, and the senate and house
29 fiscal agencies:

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

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

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

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

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

10 (f) A summary of the sites and the total amount of funds
11 expended at the sites by September 30, 2022.

12 (g) The number of brownfield projects that were successfully
13 redeveloped.

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

16 (a) The status of all state-owned facilities that are on the
17 list compiled under section 20108c of the natural resources and
18 environmental protection act, 1994 PA 451, MCL 324.20108c.

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

22 (c) The total amount of bonds issued for the environmental
23 protection bond program pursuant to part 193 of the natural
24 resources and environmental protection act, 1994 PA 451, MCL
25 324.19301 to 324.19306, and bonds issued pursuant to the clean
26 Michigan initiative act, 1998 PA 284, MCL 324.95101 to 324.95108.

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

29 Sec. 223. (1) The department may expend amounts remaining from

1 the current and prior fiscal year appropriations to meet funding
2 needs of legislatively approved sites for the environmental cleanup
3 and redevelopment program, the refined petroleum product cleanup
4 program, brownfield grants and loans, waterfront grants, and the
5 environmental bond site reclamation program.

6 (2) Unexpended and unencumbered amounts remaining from
7 appropriations from the environmental protection bond fund
8 contained in 2003 PA 173, 2005 PA 109, 2006 PA 343, 2011 PA 63, and
9 2012 PA 236 are appropriated for expenditure for any site listed in
10 this part and part 1 and any site listed in the public acts
11 referenced in this section.

12 (3) Unexpended and unencumbered amounts remaining from
13 appropriations from the clean Michigan initiative fund - response
14 activities contained in 2000 PA 52, 2004 PA 309, 2005 PA 11, 2006
15 PA 343, 2007 PA 121, 2011 PA 63, 2013 PA 59, 2014 PA 252, 2015 PA
16 84, 2016 PA 268, and 2017 PA 107 are appropriated for expenditure
17 for any site listed in this part and part 1 and any site listed in
18 the public acts referenced in this section.

19 (4) Unexpended and unencumbered amounts remaining from
20 appropriations from the refined petroleum fund activities contained
21 in 2007 PA 121, 2008 PA 247, 2009 PA 118, 2010 PA 189, 2011 PA 63,
22 2012 PA 200, 2013 PA 59, 2014 PA 252, 2015 PA 84, 2016 PA 268, 2017
23 PA 107, 2018 PA 207, 2019 PA 57, and 2020 PA 166 are appropriated
24 for expenditure for any site listed in this part and part 1 and any
25 site listed in the public acts referenced in this section.

26 (5) Unexpended and unencumbered amounts remaining from the
27 appropriations from the strategic water quality initiatives fund
28 contained in 2011 PA 50, 2011 PA 63, 2012 PA 200, 2013 PA 59, 2014
29 PA 252, 2015 PA 84, 2016 PA 268, 2017 PA 107, and 2018 PA 207 are

1 appropriated for expenditure for any site listed in this part and
2 part 1 and any site listed in the public acts referenced in this
3 section.

4 Sec. 224. Unexpended settlement revenues at the end of the
5 fiscal year may be carried forward into the settlement fund in the
6 succeeding fiscal year up to a maximum carryforward of
7 \$2,500,000.00.

8 Sec. 225.(1) From the funds appropriated in part 1, the
9 department shall do all of the following:

10 (a) Report to the house and senate appropriations committees,
11 the house and senate fiscal agencies, the house and senate policy
12 offices, and the state budget office any amounts of severance pay
13 for a department director, deputy director, or other high-ranking
14 department official not later than 14 days after a severance
15 agreement with the director or official is signed. The name of the
16 director or official and the amount of severance pay must be
17 included in the report required by this subdivision.

18 (b) Maintain an internet site that posts any severance pay in
19 excess of 6 weeks of wages, regardless of the position held by the
20 former department employee receiving severance pay.

21 (c) By February 1, report to the house and senate
22 appropriations subcommittees on the department budget, the house
23 and senate fiscal agencies, the house and senate policy offices,
24 and the state budget office on the total amount of severance pay
25 remitted to former department employees during the fiscal year
26 ending September 30, 2021 and the total number of former department
27 employees that were remitted severance pay during the fiscal year
28 ending September 30, 2021.

29 (2) As used in this section, "severance pay" means

1 compensation that is both payable or paid upon the termination of
2 employment and is in addition to either wages or benefits earned
3 during the course of employment or generally applicable retirement
4 benefits.

5 Sec. 226. Any department, agency, board, commission,
6 subdivision, or other executive branch entity or official of this
7 state that receives funding under part 1 shall not do the
8 following:

9 (a) Require as a condition of accessing any state services or
10 facilities that an individual provide proof he or she has received
11 a COVID-19 vaccine.

12 (b) Produce, develop, and issue a COVID-19 vaccine passport
13 for the purpose of certifying that an individual has received a
14 COVID-19 vaccine.

15 (c) Provide information of an individual's COVID-19 vaccine
16 status to any person, company, or governmental entity for inclusion
17 in a COVID-19 vaccine passport.

18 Sec. 235. The department shall prepare an annual report to the
19 legislature by March 31 that details all of the following for each
20 of the allocations from the clean Michigan initiative bond fund as
21 described in section 19607(1) of the natural resources and
22 environmental protection act, 1994 PA 451, MCL 324.19607:

23 (a) The progress of each project funded in each category.

24 (b) The current cost to date of each project funded in each
25 category.

26 (c) The estimated remaining cost of each project funded in
27 each category.

28 (d) The remaining balance of money in the fund allocated for
29 each category.

1 (e) The total debt obligation on all clean Michigan initiative
2 bonds and the length of time remaining until full bond repayment is
3 achieved.

4 Sec. 236. The department shall provide a report detailing the
5 expenditure of departmental funds appropriated in 2015 PA 143, 2016
6 PA 3, 2016 PA 268, and 2016 PA 340. The report shall include the
7 following:

8 (a) The names and locations of entities receiving funds.

9 (b) The purpose for each expenditure.

10 (c) The status of programs supported by this funding.

11 (d) A brief description of how related problems have been or
12 will be resolved if expenditures are made for immediate response.

13 (e) The job titles and number of departmental FTEs engaged in
14 the Flint declaration of emergency response effort.

15 Sec. 237. From the funds appropriated in part 1, the
16 department shall be responsible for the necessary and reasonable
17 attorney fees and costs incurred by private and independent legal
18 counsel chosen by current and former classified and unclassified
19 department employees in the defense of the department employees
20 named as a party in any state or federal lawsuits or investigations
21 related to the city of Flint municipal water system.

22

23 **REMEDICATION AND REDEVELOPMENT DIVISION**

24 Sec. 301. Revenues remaining in the laboratory services fees
25 fund at the end of the fiscal year shall carry forward into the
26 succeeding fiscal year.

27 Sec. 302. From the funds appropriated in part 1 for
28 contaminated site investigations, cleanup, and revitalization, the
29 department shall not expend more than 1% for costs related to

1 staffing, personnel, or FTE positions.

2 Sec. 303. The department shall provide a quarterly report to
3 the house and senate subcommittees on the department budget and the
4 state budget director on the contaminated site investigations,
5 revitalization, and cleanup program containing the following
6 information:

7 (a) A list of sites the department intends to work on during
8 the current fiscal year, including the fiscal year the project
9 began.

10 (b) A list of sites at which the department performed
11 corrective actions during the previous fiscal year.

12 (c) A list of sites the department closed during the previous
13 fiscal year.

14 Sec. 305. It is the intent of the legislature to repay the
15 refined petroleum fund for the \$70,000,000.00 that was transferred
16 to the environmental protection fund created in section 503a of the
17 natural resources and environmental protection act, 1994 PA 451,
18 MCL 324.503a, as part of the resolution for the fiscal year 2006-
19 2007 budget.

20 Sec. 306. (1) The funds appropriated in part 1 for the refined
21 petroleum cleanup program shall be used to fund corrective actions
22 performed by the department pursuant to section 21320 of the
23 natural resources and environmental protection act, 1994 PA 451,
24 MCL 324.21320.

25 (2) By January 1, the department shall provide a report to the
26 house and senate subcommittees on the department budget and the
27 state budget director on the refined petroleum product cleanup
28 program containing the following information:

29 (a) A list of sites the department intends to work on during

1 the current fiscal year, including the fiscal year the project
2 began.

3 (b) A list of sites at which the department performed
4 corrective actions during the previous fiscal year.

5 (c) A list of sites the department closed during the previous
6 fiscal year.

7 Sec. 308. The unexpended funds appropriated in part 1 for
8 emergency cleanup actions, emergency cleanup support, and the
9 refined petroleum product cleanup program are designated as work
10 project appropriations, and any unencumbered or unallotted funds
11 shall not lapse at the end of the fiscal year and shall be
12 available for expenditures for projects under this section until
13 the projects have been completed. The following is in compliance
14 with section 451a of the management and budget act, 1984 PA 431,
15 MCL 18.1451a:

16 (a) The purpose of the projects is to provide contaminated
17 site cleanup.

18 (b) The projects will be accomplished by utilizing contracts
19 with service providers.

20 (c) The total estimated cost of all projects is identified in
21 each line-item appropriation.

22 (d) The tentative completion date is September 30, 2025.

23 Sec. 310. (1) Upon approval by the state budget director, the
24 department may expend from the general fund an amount to meet the
25 cash-flow requirements of projects funded under any of the
26 following that are financed from bond proceeds and for which bonds
27 have been authorized but not yet issued:

28 (a) Part 52 of the natural resources and environmental
29 protection act, 1994 PA 451, MCL 324.5201 to 324.5206.

1 (b) Part 193 of the natural resources and environmental
2 protection act, 1994 PA 451, MCL 324.19301 to 324.19306.

3 (c) Part 196 of the natural resources and environmental
4 protection act, 1994 PA 451, MCL 324.19601 to 324.19616.

5 (2) Upon the sale of bonds for projects described in
6 subsection (1), the department shall credit the general fund an
7 amount equal to that expended from the general fund.

8 Sec. 312. The unexpended funds appropriated in part 1 for
9 environmental cleanup support are designated as a work project
10 appropriation, and any unencumbered or unallotted funds shall not
11 lapse at the end of the fiscal year and shall be available for
12 expenditures for projects under this section until the projects
13 have been completed. The following is in compliance with section
14 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

15 (a) The purpose of the project is to provide contaminated site
16 cleanup.

17 (b) The project will be accomplished by utilizing contracts
18 with service providers.

19 (c) The total estimated cost of the project is \$29,300,000.00.

20 (d) The tentative completion date is September 30, 2026.

21

22 **WATER RESOURCES DIVISION**

23 Sec. 401. From the funds appropriated in part 1 for land and
24 water interface permit programs, not less than \$350,000.00 and not
25 fewer than 2.0 FTE positions are allocated for dam safety programs.
26 These amounts are in addition to any funding and FTEs utilized for
27 this purpose in the fiscal year ending September 30, 2021.

28 Sec. 402. (1) From the funds appropriated in part 1 for the
29 dam safety grant program, the department shall award grants for

1 activities necessary to address an imminent threat or significant
2 risk associated with publicly owned or privately owned dams. Grant
3 applicants must submit an asset management plan for each dam
4 included in the application.

5 (2) The department shall provide an annual report regarding
6 the activities of the dam safety grant program. The annual report
7 shall be posted online on the department's website and copies
8 emailed to the relevant standing committees of the legislature and
9 its relevant appropriations committees, and a copy shall also be
10 provided to the budget director.

11 (3) The report shall contain all of the following information:

12 (a) The program's starting and ending balances.

13 (b) A list of dams that required emergency action through the
14 program, including:

15 (i) Location of the dams.

16 (ii) Owners of the dams.

17 (iii) Description of actions taken.

18 (iv) Expenditures made per dam.

19 (v) Summary of enforcement actions taken and status of fund
20 recovery through enforcement action.

21 (vi) Summary of expenditures from the program made in previous
22 years, along with the status of fund recovery for each through
23 enforcement actions.

24 (4) The department may include recommendations for
25 appropriations to the program that reflect anticipated program
26 needs based on the overall dam safety risk portfolio management.

27 Sec. 405. If a certified health department does not exist in a
28 city, county, or district or does not fulfill its responsibilities
29 under part 117 of the natural resources and environmental

1 protection act, 1994 PA 451, MCL 324.11701 to 324.11721, then the
2 department may spend funds appropriated in part 1 under the septage
3 waste compliance program in accordance with section 11716 of the
4 natural resources and environmental protection act, 1994 PA 451,
5 MCL 324.11716.

6 Sec. 410. From the funds appropriated in part 1, the
7 department shall compile a report by November 1 on the status of
8 the implementation plan for the western Lake Erie basin
9 collaborative agreement. In an effort to learn more about the
10 presence and timing of harmful algal blooms, the report shall
11 contain all of the following:

12 (a) An estimated cost of removal of total phosphorus per pound
13 at the 4 major wastewater treatment plants.

14 (b) A description of the grants that have been awarded.

15 (c) A description of the work that has commenced on the issue
16 of dissolved reactive phosphorus, the expected objectives and
17 outcomes of that work, and a list of the parties involved in that
18 effort.

19 (d) A description of the efforts and outcomes aimed at the
20 total phosphorus reduction for the River Raisin watershed.

21

22 **UNDERGROUND STORAGE TANK AUTHORITY**

23 Sec. 701. The unexpended funds appropriated in part 1 for the
24 underground storage tank cleanup program are designated as a work
25 project appropriation, and any unencumbered or unallotted funds
26 shall not lapse at the end of the fiscal year and shall be
27 available for expenditures for projects under this section until
28 the projects have been completed. The following is in compliance
29 with section 451a of the management and budget act, 1984 PA 431,

1 MCL 18.1451a:

2 (a) The purpose of the project is to provide contaminated site
3 cleanup.

4 (b) The project will be accomplished by utilizing contracts
5 with service providers.

6 (c) The total estimated cost of the project is \$20,000,000.00.

7 (d) The tentative completion date is September 30, 2026.

8

9 **MATERIALS MANAGEMENT DIVISION**

10 Sec. 901. In addition to the money appropriated in part 1, the
11 department may receive and expend money from the Volkswagen
12 Environmental Mitigation Trust Agreement to provide funding for
13 activities as outlined within the State's Mitigation Plan. The
14 department shall prepare an annual report to the appropriations
15 subcommittees, the fiscal agencies, and the state budget office by
16 February 1, 2022 of the expenditures incurred under this section
17 during the fiscal year ending September 30, 2022.

18

19 **ONE-TIME APPROPRIATIONS**

20 Sec. 1004. (1) The department shall provide an annual report
21 regarding the activities of the dam safety emergency fund. The
22 annual report shall be posted online on the department's website
23 and copies emailed to the relevant standing committees of the
24 legislature and its relevant appropriations committees, and a copy
25 shall also be provided to the budget director.

26 (2) The report shall contain all of the following information:

27 (a) The fund's starting and ending balances.

28 (b) A list of dams that required emergency action through the
29 fund, including:

1 (i) Location of the dams.

2 (ii) Owners of the dams.

3 (iii) Description of actions taken.

4 (iv) Expenditures made per dam.

5 (v) Summary of enforcement actions taken and status of fund
6 recovery through enforcement action.

7 (vi) Summary of expenditures from the fund made in previous
8 years, along with the status of fund recovery for each through
9 enforcement actions.

10 (3) The department may include recommendations for
11 appropriations to the fund that reflect anticipated fund needs
12 based on the overall dam safety risk portfolio management.

13 Sec. 1005. The unexpended funds appropriated in part 1 for the
14 dam safety emergency fund are designated as a work project
15 appropriation, and any unencumbered or unallotted funds shall not
16 lapse at the end of the fiscal year and shall be available for
17 expenditures for projects under this section until the projects
18 have been completed. The following is in compliance with section
19 451a of the management and budget act, 1984 PA 431, MCL 18.1451a:

20 (a) The purpose of the project is for activities necessary to
21 address an imminent threat or significant risk associated with
22 publicly owned or privately owned dams, including inspections,
23 evaluations, and investigations under section 31518 of the natural
24 resources and environmental protection act, 1994 PA 451, MCL
25 324.31518, and emergency actions under section 31521 of the natural
26 resources and environmental protection act, 1994 PA 451, MCL
27 324.31521.

28 (b) The project will be accomplished by utilizing state
29 employees or contracts with service providers, or both.

1 (c) The total estimated cost of the project is \$15,000,000.00.

2 (d) The tentative completion date is September 30, 2026.

3 Sec. 1008. (1) From the funds appropriated in part 1 for PFAS
4 and emerging contaminants, the department shall award grants for up
5 to \$5,000,000.00 to drinking water systems for contaminant
6 remediation efforts or connection to an alternate system as well as
7 to invest in technologies to address contaminants in public water
8 systems.

9 (2) On or before April 1, the department shall transmit to the
10 appropriations subcommittees, the fiscal agencies, and the state
11 budget office and post on the department's website a report on the
12 previous calendar year's activities funded with PFAS and emerging
13 contaminants funds. The report shall include a list of all grantees
14 and award amounts.