

# HOUSE BILL No. 4849

May 28, 1997, Introduced by Reps. Middaugh, Alley and Sikkema and referred to the Committee on Conservation, Environment and Recreation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 14301, 14302, 14303, 14501, 14502, 14504,  
14505, 14506, and 14510 (MCL 324.14301, 324.14302, 324.14303,  
324.14501, 324.14502, 324.14504, 324.14505, 324.14506, and  
324.14510) and by adding sections 14511 and 14512; and to repeal  
acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 14301. As used in this part:

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

4       (B) ~~—(a)—~~ "Office" means the office of waste reduction cre-  
5 ated in section 14302.

6       (C) ~~—(b)—~~ "Waste" means hazardous waste as defined in  
7 section 11103; solid waste as defined in section 11506; liquid

1 industrial waste as defined in section 12101; discharges  
2 regulated by part 31; and air contaminants regulated by part 55.

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

12 Sec. 14302. (1) The office of waste reduction is created  
13 within the department ~~of natural resources~~ to advise the  
14 department on methods of incorporating waste reduction goals  
15 within the ~~department of natural resources~~ DEPARTMENT'S regu-  
16 latory and permit programs, including data collection and analy-  
17 sis to advance the concept and implementation of waste  
18 reduction.

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

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

23 (a) Identify opportunities to encourage waste reduction  
24 through the ~~department of natural resources~~ DEPARTMENT'S regu-  
25 latory programs.

1 (b) Identify opportunities to encourage waste reduction  
2 through the ~~department of natural resources~~ DEPARTMENT'S  
3 permit programs.

4 (c) Identify how waste reduction efforts should be docu-  
5 mented in environmental impact statements.

6 (d) Analyze and make recommendations on the value of impos-  
7 ing statewide goals or goals for particular wastes, or both, for  
8 waste reduction, minimum recycling standards, and waste treatment  
9 standards.

10 (e) Publish an annual analysis of waste reduction efforts  
11 and potentials in the state.

12 (2) In performing its responsibilities under subsection (1),  
13 the office shall place a particular emphasis on in-plant waste  
14 reduction.

15 (3) Consistent with the congressional declaration in section  
16 1003(b) of subtitle A of title II of Public Law 89-272, 42  
17 U.S.C. 6902, that it is the national policy of the United States  
18 that, wherever feasible, hazardous waste is to be reduced or  
19 eliminated as expeditiously as possible, the office shall place a  
20 particular emphasis on the reduction of a waste that is a hazard-  
21 ous waste as defined in section 11103.

22 Sec. 14501. As used in this part:

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

25 (A) ~~-(b)-~~ "Department" means the department of ~~commerce~~  
26 ENVIRONMENTAL QUALITY.

1 (B) ~~-(c)-~~ "Director" means the director of ~~commerce~~ THE  
2 DEPARTMENT OF ENVIRONMENTAL QUALITY.

3 (C) "RETAP" MEANS THE RETIRED ENGINEER TECHNICAL ASSISTANCE  
4 PROGRAM CREATED IN SECTION 14511.

5 (D) "RETAP FUND" MEANS THE FUND CREATED IN SECTION 14512.

6 (E) ~~-(d)-~~ "Service" means the waste reduction assistance  
7 service created in section 14502.

8 (F) ~~-(e)-~~ "Waste" means hazardous waste as defined in  
9 section 11103; solid waste as defined in section 11506; liquid  
10 industrial waste as defined in section 12101; discharges regu-  
11 lated by part 31; and air contaminants regulated by part 55.

12 (G) ~~-(f)-~~ "Waste reduction" means any practice, such as an  
13 equipment or technology modification, a process or procedure mod-  
14 ification, a reformulation or redesign of a product, a substitu-  
15 tion of raw materials, or improved management, training, or  
16 inventory control, which practice is undertaken by a person to  
17 DIRECTLY OR INDIRECTLY reduce the volume or quantity or toxicity  
18 of waste that may be released into the environment or that is  
19 treated at a location other than the location where it is  
20 produced.

21 Sec. 14502. (1) The waste reduction assistance service is  
22 created within the department. ~~of commerce.~~ The service shall  
23 inform, assist, educate, and provide funding, as provided in this  
24 part, to persons to facilitate a reduction in the amount of waste  
25 generated in the state. The service shall place a particular  
26 emphasis on in-plant waste reduction.

1       (2) The department shall employ personnel and provide staff  
2 and services as are necessary to administer the service and to  
3 implement this part.

4       Sec. 14504. The service shall provide AND SUPPORT technical  
5 assistance regarding waste reduction to business and industry  
6 throughout the state and shall do all of the following:

7       (a) Provide instruction on self-conducted waste audits per-  
8 taining to waste reduction.

9       (b) Provide consultant referrals pertaining to waste  
10 reduction.

11       (c) Provide on-site assistance to business and industry per-  
12 taining to waste reduction.

13       (d) Provide other information and assistance that is consid-  
14 ered appropriate by the service.

15       Sec. 14505. (1) The department shall establish a waste  
16 reduction grants program.

17       (2) Information and applications for grants provided by this  
18 section shall be distributed upon request through the service.  
19 Additionally, the service shall, upon request, make referrals and  
20 provide information about other state agencies and programs and  
21 federal agencies and programs where funding alternatives may be  
22 available.

23       (3) An application for a grant under this section shall be  
24 on a form provided by the department and contain information as  
25 required by the director.

1       (4) The director  ~~, after the consideration of the~~  
2  ~~recommendations of the committee,~~ shall make waste reduction  
3 grants for either or both of the following purposes:

4       (a) To fund projects that demonstrate new and emerging waste  
5 reduction technologies. A grant made under this subdivision  
6 shall require that information generated by the project shall be  
7 available to the service for distribution through the waste  
8 reduction information clearinghouse created in section 14503.

9       (b) To fund waste reduction projects.

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

12       (a) The severity of the waste problem being addressed.

13       (b) The extent that the technological development will  
14 reduce waste at its source.

15       (c) The potential for the application of the waste reduction  
16 technology to other persons.

17       (d) The ability of the applicant to contribute matching  
18 funds.

19       (e) The percentage reduction of volume or quantity or toxic-  
20 ity of waste that will be achieved.

21       (f) Whether the project is consistent with state law and  
22 policy.

23       (g) Additional criteria as the director considers  
24 appropriate.

25       Sec. 14506. (1) The department shall establish a waste  
26 reduction research grants program.

1       (2) Information and applications for grants under this  
2 section shall be distributed upon request through the service.

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

6       (4) The director ~~—, after consideration of the recommenda-~~  
7 ~~tions of the committee,—~~ shall make grants to colleges and uni-  
8 versities, nonprofit corporations, or industry associations or  
9 other persons for industry specific research projects pertaining  
10 to waste reduction.

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

13       (a) The severity of the waste problem being addressed.

14       (b) The extent that the technological development will  
15 reduce the volume or quantity or toxicity of waste generated.

16       (c) The potential for the application of waste reduction  
17 technology to other persons.

18       (d) The ability of the applicant to contribute matching  
19 funds.

20       (e) The percentage reduction of volume or quantity or toxic-  
21 ity of waste that will be achieved.

22       (f) The likelihood of the applicant's project qualifying for  
23 other research grants or subsequent research grants from other  
24 sources.

25       (g) Whether the project is consistent with state law and  
26 policy.

1 (h) Additional criteria as the director considers  
2 appropriate.

3 Sec. 14510. The service shall prepare and deliver, before  
4 January 1 of each year, a report detailing the efforts the  
5 service, INCLUDING RETAP, has undertaken during the previous  
6 fiscal year to implement this part. The annual report shall be  
7 delivered to the legislature, the governor, and the chairpersons  
8 of the appropriations committees in the senate and the house of  
9 representatives for their use in evaluating future appropriations  
10 for the service.

11 SEC. 14511. (1) THE DEPARTMENT SHALL ESTABLISH A RETIRED  
12 ENGINEER TECHNICAL ASSISTANCE PROGRAM. THE RETAP SHALL PROVIDE  
13 ASSISTANCE PURSUANT TO SECTION 14504. RETAP ASSISTANCE SHALL BE  
14 CONDUCTED BY THE RETIRED ENGINEERS, SCIENTISTS, AND OTHER QUALI-  
15 FIED PROFESSIONALS PARTICIPATING IN RETAP.

16 (2) THE DEPARTMENT MAY CONTRACT WITH PUBLIC OR PRIVATE COR-  
17 PORATIONS TO CONDUCT 1 OR MORE RETAP ACTIVITIES.

18 (3) THE DIRECTOR MAY ESTABLISH PRIORITIES FOR RETAP ASSIST-  
19 ANCE BASED ON THE DEMAND FOR RETAP ASSISTANCE, THE FUNDS AVAIL-  
20 ABLE FOR THE SERVICE, AND THE NEEDS OF THE APPLICANTS, TAKING  
21 INTO CONSIDERATION THE MOST EFFECTIVE USE OF THE SERVICE.

22 SEC. 14512. (1) THE RETIRED ENGINEER TECHNICAL ASSISTANCE  
23 PROGRAM FUND IS CREATED WITHIN THE STATE TREASURY.

24 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS  
25 FROM ANY SOURCE FOR DEPOSIT INTO THE RETAP FUND. THE STATE TREA-  
26 SURER SHALL DIRECT THE INVESTMENT OF THE RETAP FUND. THE STATE



1 TREASURER SHALL CREDIT TO THE RETAP FUND INTEREST AND EARNINGS  
2 FROM FUND INVESTMENTS.

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

5 (4) MONEY IN THE RETAP FUND AT THE CLOSE OF THE FISCAL YEAR  
6 SHALL REMAIN IN THE RETAP FUND AND SHALL NOT LAPSE TO THE GENERAL  
7 FUND.

8 (5) THE STATE TREASURER SHALL ANNUALLY REPORT TO THE LEGIS-  
9 LATURE ON THE AMOUNT OF MONEY IN THE RETAP FUND.

10 (6) THE DEPARTMENT SHALL EXPEND MONEY FROM THE RETAP FUND,  
11 UPON APPROPRIATION, TO ADMINISTER AND OPERATE THE RETAP.

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