

SUBSTITUTE FOR
SENATE BILL NO. 1097

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2009; 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:

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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,

2009, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF ENVIRONMENTAL QUALITY

APPROPRIATION SUMMARY:

Full-time equated unclassified positions..... 6.0

Full-time equated classified positions..... 1,513.7

GROSS APPROPRIATION..... \$ 368,751,700

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers 18,890,200

ADJUSTED GROSS APPROPRIATION..... \$ 349,861,500

Federal revenues:

Total federal revenues..... 130,636,100

Special revenue funds:

Total local revenues..... 0

Total private revenues..... 455,700

Total other state restricted revenues..... 173,918,100

State general fund/general purpose..... \$ 44,851,600

FUND SOURCE SUMMARY:

Full-time equated unclassified positions..... 6.0

Full-time equated classified positions..... 1,513.7

GROSS APPROPRIATION..... \$ 368,751,700

Interdepartmental grant revenues:

IDG-MDCH, local public health operations..... 10,472,500

IDG-MDSP..... 883,200

IDG, Michigan transportation fund..... 1,066,900

IDT, interdivisional charges..... 2,053,400

1	IDT, laboratory services.....	4,414,200
2	Total interdepartmental grants and intradepartmental	
3	transfers	18,890,200
4	ADJUSTED GROSS APPROPRIATION.....	\$ 349,861,500
5	Federal revenues:	
6	DHHS, federal.....	6,200
7	DHS, federal.....	3,293,800
8	DOC-NOAA, federal.....	3,779,400
9	DOD, federal.....	1,202,700
10	DOI, federal.....	595,300
11	EPA, multiple.....	121,758,700
12	Total federal revenues.....	130,636,100
13	Special revenue funds:	
14	Private funds.....	455,700
15	Total private revenues.....	455,700
16	Aboveground storage tank fees.....	363,200
17	Air emissions fees.....	9,264,200
18	Aquifer protection revolving fund.....	400,000
19	Campground fund.....	238,900
20	Clean Michigan initiative - administration.....	120,100
21	Clean Michigan initiative - clean water fund.....	3,390,800
22	Clean Michigan initiative - response activities.....	5,663,200
23	Cleanup and redevelopment fund.....	12,428,500
24	Community pollution prevention fund.....	250,000
25	Environmental pollution prevention fund.....	944,400
26	Environmental protection fund.....	3,919,300
27	Environmental response fund.....	6,320,400

1	Fees and collections.....	446,500
2	Financial instruments.....	5,000,000
3	Great Lakes protection fund.....	1,605,800
4	Groundwater discharge permit fees.....	1,120,200
5	Hazardous materials transportation permit fund.....	219,700
6	Infrastructure construction fund.....	398,000
7	Laboratory data quality recognition fund.....	16,100
8	Land and water permit fees.....	1,057,600
9	Landfill maintenance trust fund.....	56,200
10	Medical waste emergency response fund.....	240,900
11	Metallic mining surveillance fee revenue.....	94,200
12	Mineral well regulatory fee revenue.....	172,500
13	Nonferrous metallic mineral surveillance.....	221,700
14	NPDES fees.....	3,378,100
15	Oil and gas regulatory fund.....	7,860,300
16	Orphan well fund.....	2,053,100
17	Public swimming pool fund.....	544,300
18	Public utility assessments.....	787,400
19	Public water supply fees.....	3,962,900
20	Publication revenue.....	120,700
21	Refined petroleum fund.....	30,724,700
22	Restricted funds.....	17,600,700
23	Retired engineers technical assistance fund.....	1,474,300
24	Revitalization revolving loan fund.....	84,600
25	Revolving loan revenue bonds.....	11,400,000
26	Saginaw Bay and River restoration revenue.....	175,800
27	Sand extraction fee revenue.....	198,600

1	Scrap tire regulatory fund.....	5,852,000
2	Septage waste contingency fund.....	38,000
3	Septage waste program fund.....	722,000
4	Settlement funds.....	2,106,400
5	Sewage sludge land application fee.....	855,400
6	Small business pollution prevention revolving loan	
7	fund	108,200
8	Soil erosion and sedimentation control training fund.	115,400
9	Solid waste program fees.....	4,014,400
10	Stormwater permit fees.....	2,814,900
11	Strategic water quality initiatives fund.....	10,000,000
12	Underground storage tank fees.....	2,134,300
13	Waste reduction fee revenue.....	3,909,900
14	Wastewater operator training fees.....	172,800
15	Water analysis fees.....	3,328,400
16	Water pollution control revolving fund.....	3,081,000
17	Water quality protection fund.....	100,000
18	Water use reporting fees.....	247,100
19	Total other state restricted revenues.....	173,918,100
20	State general fund/general purpose.....	\$ 44,851,600
21	Sec. 102. EXECUTIVE OPERATIONS AND DEPARTMENT SUPPORT	
22	Full-time equated unclassified positions..... 6.0	
23	Full-time equated classified positions..... 83.0	
24	Special appointee--1.0 FTE positions.....	\$ 140,000
25	Special appointee--1.0 FTE positions.....	75,000
26	Special appointee--1.0 FTE positions.....	80,000
27	Special appointee--1.0 FTE positions.....	51,600

1	Special appointee--1.0 FTE positions	120,000
2	Special appointee--1.0 FTE positions	120,000
3	Administrative hearings	445,400
4	Automated data processing	2,053,400
5	Central operations--58.0 FTE positions	5,273,400
6	Environmental support projects	5,000,000
7	Executive direction--18.0 FTE positions	2,565,800
8	Internal audit services	227,500
9	Office of the Great Lakes--7.0 FTE positions	1,052,500
10	Building occupancy charges	7,115,600
11	Rent - privately owned property	<u>2,144,900</u>
12	GROSS APPROPRIATION	\$ 26,465,100
13	Appropriated from:	
14	Interdepartmental grant revenues:	
15	IDG-MDSP	112,300
16	IDT, interdivisional charges	2,053,400
17	IDT, laboratory services	472,800
18	Federal revenues:	
19	DOC-NOAA, federal	22,600
20	DOI, federal	160,900
21	EPA, multiple	195,200
22	Special revenue funds:	
23	Financial instruments	5,000,000
24	Great Lakes protection fund	605,800
25	Restricted funds	12,394,500
26	Settlement funds	104,900
27	State general fund/general purpose	\$ 5,342,700

1	Sec. 103. AIR QUALITY		
2	Full-time equated classified positions.....	236.5	
3	Permit section--33.1 FTE positions.....		\$ 3,642,100
4	Enforcement unit--12.5 FTE positions.....		1,376,000
5	Field operations--108.9 FTE positions.....		11,981,600
6	Air quality evaluation section--63.0 FTE positions...		6,932,100
7	Administration--19.0 FTE positions.....		<u>2,087,800</u>
8	GROSS APPROPRIATION.....		\$ 26,019,600
9	Appropriated from:		
10	Federal revenues:		
11	DHS, federal.....		1,708,400
12	EPA, multiple.....		4,492,700
13	Special revenue funds:		
14	Air emissions fees.....		8,872,900
15	Environmental response fund.....		106,700
16	Fees and collections.....		301,600
17	Oil and gas regulatory fund.....		108,200
18	Refined petroleum fund.....		2,864,800
19	State general fund/general purpose.....		\$ 7,564,300
20	Sec. 104. ENVIRONMENTAL SCIENCE AND SERVICES		
21	Full-time equated classified positions.....	175.0	
22	Program services and grant management--30.0 FTE		
23	positions		\$ 4,001,000
24	Laboratory services--60.0 FTE positions.....		7,045,800
25	Municipal assistance--37.0 FTE positions.....		5,324,300
26	Pollution prevention and technical assistance--48.0		
27	FTE positions		5,018,000

1	Pollution prevention outreach.....	300,000
2	Retired engineers technical assistance program.....	<u>1,474,300</u>
3	GROSS APPROPRIATION.....	\$ 23,163,400
4	Appropriated from:	
5	Interdepartmental grant revenues:	
6	IDT, laboratory services.....	3,790,500
7	Federal revenues:	
8	DOC-NOAA, federal.....	454,800
9	EPA, multiple.....	3,445,800
10	Special revenue funds:	
11	Private funds.....	300,000
12	Air emissions fees.....	391,300
13	Environmental protection fund.....	68,900
14	Environmental response fund.....	665,100
15	Laboratory data quality recognition fund.....	16,100
16	Public water supply fees.....	253,000
17	Retired engineers technical assistance fund.....	1,474,300
18	Revitalization revolving loan fund.....	84,600
19	Settlement funds.....	235,200
20	Small business pollution prevention revolving loan	
21	fund	108,200
22	Stormwater permit fees.....	95,900
23	Strategic water quality initiatives fund.....	400,000
24	Waste reduction fee revenue.....	3,835,000
25	Wastewater operator training fees.....	172,800
26	Water analysis fees.....	3,328,400
27	Water pollution control revolving fund.....	2,409,100

1	State general fund/general purpose.....	\$	1,634,400
2	Sec. 105. OFFICE OF GEOLOGICAL SURVEY		
3	Full-time equated classified positions.....		67.0
4	Coal and sand dune management--2.0 FTE positions.....	\$	627,000
5	Metallic mine reclamation--1.0 FTE positions.....		94,200
6	Mineral wells management--2.0 FTE positions.....		246,500
7	Nonferrous metallic mining--2.0 FTE positions.....		221,700
8	Orphan well--2.0 FTE positions.....		2,053,100
9	Services to oil and gas--58.0 FTE positions.....		<u>7,509,500</u>
10	GROSS APPROPRIATION.....	\$	10,752,000
11	Appropriated from:		
12	Federal revenues:		
13	DOI, federal.....		428,400
14	Special revenue funds:		
15	Metallic mining surveillance fee revenue.....		94,200
16	Mineral well regulatory fee revenue.....		172,500
17	Nonferrous metallic mineral surveillance.....		221,700
18	Oil and gas regulatory fund.....		7,388,800
19	Orphan well fund.....		2,053,100
20	Publication revenue.....		120,700
21	Sand extraction fee revenue.....		198,600
22	State general fund/general purpose.....	\$	74,000
23	Sec. 106. LAND AND WATER MANAGEMENT		
24	Full-time equated classified positions.....		121.0
25	Program direction--6.0 FTE positions.....	\$	943,300
26	Field permitting and project assistance--72.0 FTE		
27	positions		7,551,200

1	Great Lakes shorelands--24.0 FTE positions	2,672,600
2	Water management--19.0 FTE positions	<u>2,702,600</u>
3	GROSS APPROPRIATION	\$ 13,869,700
4	Appropriated from:	
5	Interdepartmental grant revenues:	
6	IDG, Michigan transportation fund	1,012,300
7	Federal revenues:	
8	DHS, federal	1,003,500
9	DOC-NOAA, federal	1,515,800
10	EPA, multiple	1,052,100
11	Special revenue funds:	
12	Land and water permit fees	705,100
13	State general fund/general purpose	\$ 8,580,900
14	Sec. 107. REMEDIATION AND REDEVELOPMENT	
15	Full-time equated classified positions	285.0
16	Contaminated site investigation, cleanup, and	
17	revitalization--225.0 FTE positions	\$ 23,012,600
18	Federal cleanup project management--60.0 FTE positions	8,412,600
19	Emergency cleanup actions	4,000,000
20	Refined petroleum product cleanup program	20,000,000
21	Environmental cleanup and redevelopment program	5,663,200
22	Environmental cleanup support	2,340,000
23	Superfund cleanup	<u>4,000,000</u>
24	GROSS APPROPRIATION	\$ 67,428,400
25	Appropriated from:	
26	Federal revenues:	
27	DHHS, federal	6,200

1	DOD, federal.....	1,174,500
2	EPA, multiple.....	8,403,500
3	Special revenue funds:	
4	Private funds.....	155,700
5	Clean Michigan initiative - response activities	5,663,200
6	Cleanup and redevelopment fund.....	12,428,500
7	Environmental protection fund.....	3,850,400
8	Environmental response fund.....	5,248,000
9	Landfill maintenance trust fund.....	56,200
10	Refined petroleum fund.....	26,813,500
11	Settlement funds.....	1,516,300
12	State general fund/general purpose.....	\$ 2,112,400
13	Sec. 108. WASTE AND HAZARDOUS MATERIALS	
14	Full-time equated classified positions.....	173.0
15	Aboveground storage tank program--8.0 FTE positions ..	\$ 762,200
16	Hazardous waste management program--60.0 FTE positions	6,498,400
17	Low-level radioactive waste authority--2.0 FTE	
18	positions	787,400
19	Medical waste program--2.0 FTE positions	240,900
20	Radiological protection program--12.0 FTE positions ..	1,422,500
21	Scrap tire regulatory program--11.0 FTE positions	1,066,800
22	Solid waste management program--45.0 FTE positions ...	4,588,300
23	Underground storage tank program--33.0 FTE positions .	<u>3,403,100</u>
24	GROSS APPROPRIATION.....	\$ 18,769,600
25	Appropriated from:	
26	Interdepartmental grant revenues:	
27	IDG-MDSP.....	742,900

1	Federal revenues:	
2	EPA, multiple.....	4,027,500
3	Special revenue funds:	
4	Aboveground storage tank fees.....	363,200
5	Environmental pollution prevention fund.....	944,400
6	Hazardous materials transportation permit fund.....	219,700
7	Medical waste emergency response fund.....	240,900
8	Public utility assessments.....	787,400
9	Scrap tire regulatory fund	1,066,800
10	Solid waste program fees.....	4,014,400
11	Underground storage tank fees.....	2,134,300
12	Waste reduction fee revenue.....	74,900
13	State general fund/general purpose.....	\$ 4,153,200
14	Sec. 109. WATER	
15	Full-time equated classified positions.....	351.2
16	Aquifer protection program.....	\$ 350,000
17	Aquifer protection and dispute resolution - IDG to	
18	Michigan department of agriculture.....	50,000
19	Drinking water and environmental health--120.0 FTE	
20	positions	16,180,000
21	Expedited water/wastewater permits--3.0 FTE positions	398,000
22	Fish contaminant monitoring.....	316,100
23	Groundwater discharge--22.0 FTE positions.....	2,968,700
24	NPDES nonstormwater program--98.2 FTE positions	11,026,500
25	Sewage sludge land application program--6.0 FTE	
26	positions	855,400
27	Surface water--102.0 FTE positions.....	15,207,200

1	Water withdrawal assessment program.....	<u>3,000</u>
2	GROSS APPROPRIATION.....	\$ 47,354,900
3	Appropriated from:	
4	Federal revenues:	
5	EPA, multiple.....	18,164,800
6	Special revenue funds:	
7	Aquifer protection revolving fund.....	400,000
8	Campground fund.....	238,900
9	Clean Michigan initiative - administration.....	120,100
10	Clean Michigan initiative - clean water fund.....	3,390,800
11	Environmental response fund.....	168,100
12	Fees and collections.....	144,900
13	Groundwater discharge permit fees.....	1,120,200
14	Infrastructure construction fund.....	398,000
15	Land and water permit fees.....	352,500
16	NPDES fees.....	3,378,100
17	Public swimming pool fund.....	544,300
18	Public water supply fees.....	2,309,900
19	Refined petroleum fund.....	962,700
20	Saginaw Bay and River restoration revenue.....	175,800
21	Septage waste contingency fund.....	38,000
22	Septage waste program fund.....	322,000
23	Sewage sludge land application fee.....	855,400
24	Soil erosion and sedimentation control training fund.	115,400
25	Stormwater permit fees.....	2,719,000
26	Water pollution control revolving fund.....	671,900
27	Water use reporting fees.....	247,100

1	State general fund/general purpose	\$	10,517,000
2	Sec. 110. CRIMINAL INVESTIGATIONS		
3	Full-time equated classified positions	22.0	
4	Environmental investigations--22.0 FTE positions	\$	<u>2,585,700</u>
5	GROSS APPROPRIATION	\$	2,585,700
6	Appropriated from:		
7	Federal revenues:		
8	DHS, federal		557,400
9	EPA, multiple		154,000
10	Special revenue funds:		
11	Environmental response fund		132,500
12	Oil and gas regulatory fund		363,300
13	Scrap tire regulatory fund		285,200
14	State general fund/general purpose	\$	1,093,300
15	Sec. 111. GRANTS		
16	Coastal management grants	\$	2,000,000
17	Federal - Great Lakes remedial action plan grants		700,000
18	Federal - nonpoint source water pollution grants		6,500,000
19	Grants to counties--air pollution		83,700
20	Radon grants		90,000
21	Water pollution control and drinking water revolving		
22	fund		86,189,300
23	Drinking water program grants		1,330,000
24	Great Lakes research and protection grants		1,000,000
25	Local health department operations		10,472,500
26	Noncommunity water grants		1,400,000
27	Pollution prevention local grants		250,000

1	Real-time water quality monitoring.....	250,000
2	Septage waste compliance grants.....	400,000
3	Scrap tire grants.....	4,500,000
4	Strategic water quality initiative loans.....	9,600,000
5	Water quality protection grants.....	<u>100,000</u>
6	GROSS APPROPRIATION.....	\$ 124,865,500
7	Appropriated from:	
8	Interdepartmental grant revenues	
9	IDG-MDCH, local public health operations.....	10,472,500
10	Federal revenues:	
11	DOC-NOAA, federal.....	1,700,000
12	EPA, multiple.....	80,463,000
13	Special revenue funds:	
14	Community pollution prevention fund.....	250,000
15	Great Lakes protection fund.....	1,000,000
16	Public water supply fees.....	1,400,000
17	Refined petroleum fund.....	83,700
18	Revolving loan revenue bonds.....	11,400,000
19	Scrap tire regulatory fund.....	4,500,000
20	Septage waste program fund.....	400,000
21	Settlement funds.....	250,000
22	Strategic water quality initiatives fund.....	9,600,000
23	Water quality protection fund.....	100,000
24	State general fund/general purpose.....	\$ 3,246,300
25	Sec. 112. INFORMATION TECHNOLOGY	
26	Information technology services and projects.....	\$ <u>7,477,800</u>
27	GROSS APPROPRIATION.....	\$ 7,477,800

1	Appropriated from:	
2	Interdepartmental grant revenues	
3	IDG-MDSP.....	28,000
4	IDG, Michigan transportation fund.....	54,600
5	IDT, laboratory services.....	150,900
6	Federal revenues:	
7	DHS, federal.....	24,500
8	DOC-NOAA, federal.....	86,200
9	DOD, federal.....	28,200
10	DOI, federal.....	6,000
11	EPA, multiple.....	1,360,100
12	Special revenue funds:	
13	Restricted funds.....	5,206,200
14	State general fund/general purpose.....	533,100

15 PART 2

16 PROVISIONS CONCERNING APPROPRIATIONS

17 GENERAL SECTIONS

18 Sec. 201. Pursuant to section 30 of article IX of the state

19 constitution of 1963, total state spending from state resources

20 under part 1 for fiscal year 2008-2009 is \$218,769,700.00 and state

21 spending from state resources to be paid to local units of

22 government for fiscal year 2008-2009 is \$4,300,000.00. The itemized

23 statement below identifies appropriations from which spending to

24 local units of government will occur:

25 DEPARTMENT OF ENVIRONMENTAL QUALITY

26 GRANTS

1	Noncommunity water grants.....	\$	1,400,000
2	Real-time water quality monitoring.....		250,000
3	Scrap tire grants.....		2,250,000
4	Septage waste compliance program.....		<u>400,000</u>
5	TOTAL.....	\$	4,300,000

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

9 Sec. 203. As used in this act:

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

12 (b) "DHHS" means the United States department of health and
13 human services.

14 (c) "DHS" means the United States department of homeland
15 security.

16 (d) "DOC" means the United States department of commerce.

17 (e) "DOC-NOAA" means the DOC national oceanic and atmospheric
18 administration.

19 (f) "DOD" means the United States department of defense.

20 (g) "DOI" means the United States department of interior.

21 (h) "EPA" means the United States environmental protection
22 agency.

23 (i) "FTE" means full-time equated.

24 (j) "IDG" means interdepartmental grant.

25 (k) "IDT" means intradepartmental transfer.

26 (l) "MDCH" means the Michigan department of community health.

27 (m) "MDSP" means the Michigan department of state police.

1 (n) "NPDES" means national pollutant discharge elimination
2 system.

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

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

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

27 Sec. 206. The department shall use the Internet to fulfill the

1 reporting requirements of this act. This requirement may include
2 transmission of reports via electronic mail to the recipients
3 identified for each reporting requirement or it may include
4 placement of reports on an Internet or Intranet site.

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

13 Sec. 208. By February 15, 2009, the department shall provide
14 the state budget director, the subcommittees on environmental
15 quality of the senate and house appropriations committees, and the
16 senate and house fiscal agencies with an annual report on
17 restricted fund balances, projected revenues, and expenditures for
18 the fiscal years ending September 30, 2008 and September 30, 2009.

19 Sec. 209. (1) From funds appropriated under part 1, the
20 department shall prepare a report that lists all of the following
21 regarding grant or loan or grant and loan programs administered by
22 the department for the fiscal year ending September 30, 2009:

23 (a) The name of each program.

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

27 (c) The maximum and minimum grant and loan available and

1 whether there is a match requirement for each program.

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

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

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

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

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

13 (2) The reports required under this section shall be submitted
14 to the state budget office, the senate and house appropriations
15 committees, and the senate and house fiscal agencies by January 1,
16 2009.

17 Sec. 210. (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 cleanup,
20 emergency actions, superfund cleanup, the revitalization revolving
21 loan program, the brownfield grants and loans program, the leaking
22 underground storage tank cleanup program, the contaminated lake and
23 river sediments cleanup program, the refined petroleum product
24 cleanup program, and the environmental protection bond projects
25 under section 19508(7) of the natural resources and environmental
26 protection act, 1994 PA 451, MCL 324.19508, to the state budget
27 director, the senate and house appropriations subcommittees on

1 environmental quality, and the senate and house fiscal agencies:

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

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

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

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

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

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

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

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

17 (a) The status of all state-owned facilities that are on the
18 list compiled under part 201 of the natural resources and
19 environmental protection act, 1994 PA 451, MCL 324.20101 to
20 324.20142.

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

24 (c) The total amount of bonds issued for the environmental
25 protection bond program pursuant to part 193 of the natural
26 resources and environmental protection act, 1994 PA 451, MCL
27 324.19301 to 324.19306, and bonds issued pursuant to the clean

1 Michigan initiative act, 1998 PA 284, MCL 324.95101 to 324.95108.

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

4 Sec. 211. (1) The department of environmental quality is
5 authorized to expend amounts remaining from the current and prior
6 fiscal year appropriations to meet funding needs of legislatively
7 approved sites for the environmental cleanup and redevelopment
8 program, the leaking underground storage tank cleanup program, and
9 the refined petroleum product cleanup program.

10 (2) Unexpended and unencumbered amounts remaining from
11 appropriations from the environmental protection bond fund
12 contained in 2003 PA 173 and 2006 PA 343 are appropriated for
13 expenditure for any site listed in this act and any site listed in
14 the public acts referenced in this section.

15 (3) Unexpended and unencumbered amounts remaining from
16 appropriations from the cleanup and redevelopment fund and
17 unclaimed bottle deposits fund contained in 2003 PA 171, 2003 PA
18 173, 2003 PA 237, and 2004 PA 350 are appropriated for expenditure
19 for any site listed in this act and any site listed in the public
20 acts referenced in this section.

21 (4) Unexpended and unencumbered amounts remaining from
22 appropriations from the clean Michigan initiative fund - response
23 activities contained in 2000 PA 506, 2001 PA 120, 2003 PA 173, 2003
24 PA 237, 2004 PA 309, 2004 PA 350, 2005 PA 11, 2006 PA 343, and 2007
25 PA 121 are appropriated for expenditure for any site listed in this
26 act and any site listed in the public acts referenced in this
27 section.

1 (5) Unexpended and unencumbered amounts remaining from
2 appropriations from the environmental protection fund contained in
3 2001 PA 43, 2002 PA 520, 2003 PA 171, and 2004 PA 350 are
4 appropriated for expenditure for any site listed in this act and
5 any site listed in the public acts referenced in this section.

6 (6) Unexpended and unencumbered amounts remaining from
7 appropriations from the refined petroleum fund activities contained
8 in 2005 PA 154 and 2007 PA 121 are appropriated for expenditure for
9 any site listed in this act and any site listed in the public acts
10 referenced in this section.

11 Sec. 212. Of the money appropriated from the environmental
12 education fund in part 1, \$5,000.00 shall be allocated to Michigan
13 State University Extension Service - 4-H Youth Programs to fund the
14 Michigan Youth Conservation Council.

15 Sec. 213. From the funds appropriated in part 1 for
16 information technology, departments and agencies shall pay user
17 fees to the department of information technology for technology-
18 related services and projects. These user fees shall be subject to
19 provisions of an interagency agreement between the department and
20 the department of information technology.

21 Sec. 214. Amounts appropriated in part 1 for information
22 technology may be designated as work projects and carried forward
23 to support technology projects under the direction of the
24 department of information technology. Funds designated in this
25 manner are not available for expenditure until approved as work
26 projects under section 451a of the management and budget act, 1984
27 PA 431, MCL 18.1451a.

1 Sec. 215. (1) Due to the current budgetary problems in this
2 state, out-of-state travel for the fiscal year ending September 30,
3 2009 shall be limited to situations in which 1 or more of the
4 following conditions apply:

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

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

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

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

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

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

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

25 (3) Not later than January 1 of each year, each department
26 shall prepare a travel report listing all travel by classified and
27 unclassified employees outside this state in the immediately

1 preceding fiscal year that was funded in whole or in part with
2 funds appropriated in the department's budget. The report shall be
3 submitted to the senate and house of representatives standing
4 committees on appropriations, the senate and house fiscal agencies,
5 and the state budget director. The report shall include the
6 following information:

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

9 (b) The destination of each travel occurrence.

10 (c) The dates of each travel occurrence.

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

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

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

20 Sec. 216. Funds appropriated in part 1 shall not be used for
21 the purchase of foreign goods or services, or both, if
22 competitively priced and comparable quality American goods or
23 services, or both, are available. Preference shall be given to
24 goods or services, or both, manufactured or provided by Michigan
25 businesses if they are competitively priced and of comparable
26 quality. In addition, preference shall be given to goods or
27 services, or both, that are manufactured or provided by Michigan

1 businesses owned or operated by veterans, if they are competitively
2 priced and of comparable quality.

3 Sec. 217. The director shall take all reasonable steps to
4 ensure businesses in deprived and depressed communities compete for
5 and perform contracts to provide services or supplies, or both. The
6 director shall strongly encourage firms with which the department
7 contracts to subcontract with certified businesses in depressed and
8 deprived communities for services, supplies, or both.

9 Sec. 219. (1) The appropriation in section 102 includes
10 \$12,144,500.00 from restricted funds. This funding source shall
11 support the restricted fund requirements, pursuant to subsection
12 (3), for selected line items in the executive operations and
13 administrative support appropriation unit.

14 (2) The appropriation in section 112 includes \$5,206,200.00
15 from restricted funds. This funding source shall support the
16 restricted fund requirements, pursuant to subsection (3), for the
17 information technology appropriation.

18 (3) The department shall adopt a cost allocation plan for
19 revenue sources supporting line items listed in sections 102 and
20 112.

21 (4) The department shall provide a report on or before October
22 31, 2008 to the house and senate appropriations subcommittees on
23 environmental quality and the house and senate fiscal agencies of
24 the line item amounts and detailed revenue sources which support
25 the restricted fund appropriations in sections 102 and 112.

26 Sec. 220. The department shall not take disciplinary action
27 against an employee for communicating truthfully and factually with

1 a member of the legislature or his or her staff.

2 Sec. 221. The department shall annually report and post on its
3 website by December 31 to the state budget director, the senate and
4 house appropriations committees, and the senate and house fiscal
5 agencies an accounting of all civil and criminal fine revenue
6 collected during the previous fiscal year.

7 Sec. 222. From the funds appropriated in part 1, the
8 department shall assist the legislative commission on government
9 efficiency, established in section 752 of the legislative council
10 act, 1986 PA 268, MCL 4.1752, in its benchmarking evaluation of
11 department programs, including, at a minimum, the air quality
12 renewable operating permit program, the groundwater discharge
13 program, land and water management programs, and the hazardous
14 waste management program.

15 Sec. 223. (1) The department shall report no later than April
16 1, 2009 on each specific policy change made to implement a public
17 act affecting the department that took effect during the prior
18 calendar year to the house and senate appropriations subcommittees
19 on the budget for the department, the joint committee on
20 administrative rules, and the senate and house fiscal agencies.

21 (2) Funds appropriated in part 1 shall not be used by the
22 department to adopt a rule that will apply to a small business and
23 that will have a disproportionate economic impact on small
24 businesses because of the size of those businesses if the
25 department fails to reduce the disproportionate economic impact of
26 the rule on small businesses as provided under section 40 of the
27 administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

1 (3) As used in this section:

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

4 (b) "Small business" means that term as defined under section
5 7a of the administrative procedures act of 1969, 1969 PA 306, MCL
6 24.207a.

7 Sec. 224. Funds appropriated in part 1 shall not be used by a
8 principal executive department, state agency, or authority to hire
9 a person to provide legal services that are the responsibility of
10 the attorney general. This prohibition does not apply to legal
11 services for bonding activities and for those activities that the
12 attorney general authorizes.

13 Sec. 226. The department shall not approve the travel of more
14 than 1 departmental employee to a specific professional development
15 conference or training seminar that is located outside of this
16 state. The only exception to this travel restriction involves a
17 professional development conference or training seminar that is
18 funded by a federal or private funding source and requires more
19 than 1 person from a department to attend.

20 Sec. 227. By April 1, 2009, the department shall submit to the
21 senate and house appropriations subcommittees on environmental
22 quality, the senate and house fiscal agencies, and the state budget
23 director a plan for replacement of failing or obsolete computer and
24 database systems, including a schedule for system replacement and
25 cost estimates.

26 Sec. 228. The department shall publish changes to unclassified
27 salaries on the department website within 30 days of such changes.

Senate Bill No. 1097 as amended May 28, 2008

1 Sec. 229. (1) When a request is made of the department under
2 the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246,
3 the department shall do all of the following:

4 (a) Notify all private individuals, organizations, and
5 department employees that are subjects of the request immediately
6 upon receipt of the request.

7 (b) Notify all private individuals, organizations, and
8 department employees that are subjects of the request at the same
9 time as providing the information to the requestor.

10 (2) If the department fails to notify all private individuals,
11 organizations, and department employees that are subjects of the
12 request immediately upon receipt of the request, then the
13 department shall pay \$5,000.00 from the funds appropriated in part
14 1 to the Michigan natural resources trust fund established in
15 section 1902 of the natural resources and environmental protection
16 act, 1994 PA 451, MCL 324.1902.

17 (3) Within 21 days of the end of each fiscal quarter, the
18 department shall notify the senate and house appropriations
19 subcommittees on environmental quality, the senate and house fiscal
20 agencies, and the state budget director of all requests made of the
21 department under the freedom of information act, 1976 PA 442, MCL
22 15.231 to 15.246, during the previous quarter. The report shall
23 include a summary of the request and the department's response,
24 total time until notification was sent to all subjects of the
25 request, and total response time to the requestor from when the
26 request was received.

27 Sec. 230. <<Pursuant to article IV, section 52 of the Michigan
constitution, which provides the legislature with the authority to
provide for the protection of the air, water and other natural resources
of the state from pollution, impairment, or destruction, from>> the funds
appropriation in part 1 for central

1 operations, not more than \$420,300.00 of state general fund/general
2 purpose money may be spent until the level of Muskrat Lake in
3 Clinton County is restored to the 1975 water levels.

4 **AIR QUALITY**

5 Sec. 301. The department shall report quarterly, via the
6 department's Internet website, on air quality program expenditures
7 and revenues. The report shall include expenditures and revenues by
8 fund source and by program function.

9 Sec. 302. From the funds appropriated in part 1, the
10 department shall continue to work with individuals, organizations,
11 and businesses to reach ozone attainment status in the 8 counties
12 in southeast Michigan that are currently in nonattainment. To the
13 fullest extent permitted by law and federal regulations, the
14 department shall develop an attainment strategy that balances the
15 public health, environmental, and economic interests of the
16 residents, organizations, and businesses in that area.

17 **ENVIRONMENTAL SCIENCE AND SERVICES**

18 Sec. 401. Revenues remaining in the interdepartmental
19 transfers, laboratory services at the end of the fiscal year shall
20 carry forward into the succeeding fiscal year.

21 Sec. 402. By July 1, 2009, the department shall prepare and
22 submit a report to the state budget director, the legislature, the
23 chairs of the standing committees of the senate and house of
24 representatives with primary responsibility for issues related to
25 natural resources and the environment, and the chairs of the

1 subcommittees of the senate and house appropriations committees
2 with primary responsibility for appropriations for the department
3 of environmental quality, outlining the implementation of the Great
4 Lakes water quality bond provided for in part 197 of the natural
5 resources and environmental protection act, 1994 PA 451, MCL
6 324.19701 to 324.19708, including, but not limited to, the amount
7 of bonds issued and the date they were issued, the number of
8 applications received for loans from the state water pollution
9 control revolving fund created in section 16a of the shared credit
10 rating act, 1985 PA 227, MCL 141.1066a, the total amount of loans
11 requested, a listing of the applicants receiving loans and the
12 total amount of loans provided to those applicants, a listing of
13 applicants whose loan applications were not approved and the
14 reasons why those applications were not approved, the amount of the
15 loans granted that were leveraged from bond proceeds, and the
16 remaining bond proceeds and bond authorization.

17 Sec. 403. (1) There is appropriated \$2,000,000.00 from the
18 environmental protection fund created in section 503a of the
19 natural resources and environmental protection act, 1994 PA 451,
20 MCL 324.503a, to reimburse retailers for the cost of retrofitting
21 existing reverse vending machines to accept Michigan-only
22 returnable beverage containers. Funds may be carried forward into
23 fiscal year 2009-2010 for this purpose if the total \$2,000,000.00
24 is not expended in fiscal year 2008-2009.

25 (2) For the fiscal year ending September 30, 2009,
26 \$2,000,000.00 in the cleanup and redevelopment trust fund created
27 in section 3e of 1976 IL 1, MCL 445.573e, is hereby appropriated

1 and transferred to the environmental protection fund.

2 **OFFICE OF GEOLOGICAL SURVEY**

3 Sec. 501. It is the intent of the legislature that the office
4 of geological survey continue its work with Western Michigan
5 University's department of geosciences to maintain core samples at
6 the Michigan basin core research laboratory as part of the Michigan
7 geological repository for research and education at Western
8 Michigan University and it is encouraged to explore new
9 opportunities for mutually beneficial research and collaboration
10 between the department and the university.

11 **LAND AND WATER MANAGEMENT**

12 Sec. 601. (1) The department shall not spend funds provided in
13 part 1 on the implementation of wetlands protection provisions in
14 part 303 of the natural resources and environmental protection act,
15 1994 PA 451, MCL 324.30301 to 324.30323, in counties with a
16 population less than 100,000 until the department has developed and
17 implemented wetland inventory maps to a level of detail such that a
18 person will be able to know from the maps with a reasonable amount
19 of certainty whether or not the property in question is in fact a
20 wetland subject to regulation by the department.

21 (2) Before commencing wetlands protection in counties with
22 populations less than 100,000, the department shall notify in
23 writing the senate and house appropriation subcommittees on
24 environmental quality, the senate and house fiscal agencies, and
25 the state budget director that the wetland inventory maps meet the

1 criteria of subsection (1) and the date the program will begin.

2 **REMEDICATION AND REDEVELOPMENT**

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

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

12 (b) The projects will be accomplished by contract.

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

15 (d) The tentative completion date is September 30, 2013.

16 Sec. 702. From funds appropriated in part 1 for activities
17 related to cleanup sites under part 201 of the natural resources
18 and environmental protection act, 1994 PA 451, MCL 324.20101 to
19 324.20142, the department shall incorporate into remedial action
20 plans area-wide or site-specific cleanup criteria derived from
21 peer-reviewed risk assessment based on bioavailability studies,
22 site-specific human exposure data, and any other scientifically
23 based risk assessment studies that are available and relevant. The
24 department shall submit a report listing efforts made by the
25 department to comply with this section. This report shall be
26 provided to the house and senate appropriations subcommittees on

1 environmental quality on or before January 1, 2009.

2 Sec. 704. It is the intent of the legislature to repay the
3 refined petroleum fund for the \$70,000,000.00 that was transferred
4 to the environmental protection fund as part of the resolution for
5 the fiscal year 2006-2007 budget.

6 Sec. 705. (1) The department shall work with the legislature
7 to develop recommendations through an advisory workgroup process
8 for the appropriate use of administrative rules and operational
9 memoranda in the leaking underground storage tank program. This
10 advisory workgroup shall do all of the following:

11 (a) Review and make recommendations if operational memoranda
12 used by the department are necessary and used appropriately.

13 (b) Review and make recommendations regarding the rules,
14 methods, policies, or procedures used to develop operational
15 memoranda.

16 (c) Review and make recommendations regarding procedures for
17 determining if an inspected organization has acted in accordance
18 with operational memoranda.

19 (2) The workgroup under subsection (1) shall consist of 13
20 members, appointed as follows:

21 (a) Members of the senate and house appropriations
22 subcommittees on environmental quality.

23 (b) Three members appointed by the senate majority leader, 1
24 each representing an independent petroleum wholesale distributor-
25 marketer trade association, a petroleum refiner-supplier trade
26 association, and a service station dealers' trade association.

27 (c) Three members appointed by the speaker of the house, 1

1 each representing a truck stop operators' trade association, an
2 environmental public interest organization who is not associated
3 with any of the above organizations, and the largest general farm
4 organization in the state.

5 (d) The director of the department.

6 (3) The recommendations of the workgroup shall be submitted to
7 the department, the senate and house appropriations subcommittees
8 on environmental quality, the senate and house fiscal agencies, and
9 the state budget director by December 31, 2008.

10 Sec. 706. The department shall not expend funds appropriated
11 in part 1 if using operational memoranda or other similar documents
12 that are in draft form to impose regulations on individuals or
13 businesses conducting environmental cleanup projects, except as
14 provided in part 213 of the natural resources and environmental
15 protection act, 1994 PA 451, MCL 324.21301 to 324.21331, or when
16 there is written consent between the department and the individual
17 or business.

18 WASTE AND HAZARDOUS MATERIALS

19 Sec. 801. It is the intent of the legislature that the
20 recommendations of the site review board, as established in section
21 11117 of the natural resources and environmental protection act,
22 1994 PA 451, MCL 324.11117, are the final approval for each site
23 construction permit application that is referred to the board by
24 the department.

25 WATER

1 Sec. 901. By February 1, 2009, the department shall submit a
2 report on the department's use of the national pollutant discharge
3 elimination system fund created in MCL 324.3121 for the previous
4 fiscal year, to the senate and house appropriations subcommittees
5 on environmental quality, the standing committees of the
6 legislature with jurisdiction over issues primarily related to
7 natural resources and the environment, and the senate and house
8 fiscal agencies. The report shall include a summary of how the
9 appropriations in part 1 for NPDES nonstormwater program were used
10 for the various permissible uses of the fund and shall include
11 specific information on all of the following:

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

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

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

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

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

1 Sec. 902. The unexpended portion of funds appropriated in part
2 1 of 2004 PA 309 for the contaminated lake and river sediments
3 cleanup program are appropriated for the same purpose for the
4 fiscal year ending September 30, 2009.

5 GRANTS

6 Sec. 1101. If a certified health department does not exist in
7 a city, county, or district or does not fulfill its
8 responsibilities under part 117 of the natural resources and
9 environmental protection act, 1994 PA 451, MCL 324.11701 to
10 324.11720, then the department may spend funds appropriated in part
11 1 under the septage waste compliance program in accordance with
12 section 11716 of the natural resources and environmental protection
13 act, 1994 PA 451, MCL 324.11716.

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

18 Sec. 1103. (1) The appropriation in part 1 for real-time water
19 quality monitoring is a grant to Macomb County and St. Clair County
20 to support a real-time water quality monitoring program in the St.
21 Clair watershed. By September 30, 2009, the grant recipients shall
22 report to the department on the plan's implementation and the
23 status of the project. The department shall forward the report to
24 the state budget director, the senate and house appropriations
25 subcommittees on environmental quality, the senate and house
26 standing committees on natural resources and environmental issues,

1 and the senate and house fiscal agencies.

2 (2) The funding appropriated in part 1 for real-time water
3 quality monitoring is contingent upon development of a plan by the
4 grant recipients for long-term funding of operation and maintenance
5 of the real-time monitoring system for the Huron-Erie corridor. The
6 funding plan shall not require state funds for more than 50% of
7 total funding for the project. This plan must be submitted by the
8 grant recipients to the department by December 31, 2008.