

HOUSE BILL No. 5116

October 17, 2017, Introduced by Rep. Chang and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 5534.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 5534. (1) AS USED IN THIS SECTION:**

2 **(A) "AQEM FUND" MEANS THE AIR QUALITY ENFORCEMENT AND**
3 **MITIGATION FUND CREATED IN SUBSECTION (2).**

4 **(B) "ENVIRONMENTAL PROTECTION COMMUNITY" MEANS A GEOGRAPHIC**
5 **AREA THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY, USING TOOLS SUCH**
6 **AS THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S EJSCREEN,**
7 **HAS IDENTIFIED AS A COMMUNITY FACING A DISPROPORTIONATE**
8 **ENVIRONMENTAL BURDEN USING INDICATORS SUCH AS SENSITIVE**

1 POPULATIONS, SOCIOECONOMIC FACTORS, EXPOSURES, AND ENVIRONMENTAL
2 EFFECTS.

3 (2) THE AIR QUALITY ENFORCEMENT AND MITIGATION FUND IS CREATED
4 WITHIN THE STATE TREASURY. ALL CIVIL AND ADMINISTRATIVE FINES
5 COLLECTED UNDER THIS PART SHALL BE DEPOSITED IN THE AQEM FUND. THE
6 STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM ANY SOURCE
7 FOR DEPOSIT INTO THE AQEM FUND. THE STATE TREASURER SHALL DIRECT
8 THE INVESTMENT OF THE AQEM FUND. THE STATE TREASURER SHALL CREDIT
9 TO THE AQEM FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS. MONEY
10 IN THE AQEM FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN
11 THE AQEM FUND AND SHALL NOT LAPSE TO THE GENERAL FUND. THE
12 DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL BE THE ADMINISTRATOR OF
13 THE FUND FOR AUDITING PURPOSES.

14 (3) THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL EXPEND MONEY
15 FROM THE AQEM FUND, UPON APPROPRIATION, ONLY AS FOLLOWS:

16 (A) THIRTY PERCENT OF THE MONEY SHALL BE EXPENDED FOR STAFFING
17 AND OTHER FUNCTIONS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY THAT
18 BENEFIT ENVIRONMENTAL PROTECTION COMMUNITIES AND ARE RELATED TO 1
19 OR MORE OF THE FOLLOWING:

20 (i) MITIGATION OF AIR POLLUTION, SUCH AS BY BUFFERING WITH
21 VEGETATION, OPTIONAL RESIDENTIAL BUYOUTS, AIR FILTERS IN HOMES AND
22 SCHOOLS, AND DIESEL ENGINE RETROFIT OR REPLACEMENT PROGRAMS.

23 (ii) INCREASED AIR MONITORING.

24 (iii) IMPROVED COMPLIANCE BY PERSONS WITH A HISTORY OF
25 VIOLATIONS OF THIS PART OR PERMITS ISSUED OR RULES PROMULGATED
26 UNDER THIS PART INCLUDING, BUT NOT LIMITED TO, TRAINING FOR
27 ENVIRONMENTAL REGULATORS OR PROSECUTING ATTORNEYS.

1 (B) SEVENTY PERCENT OF THE MONEY SHALL BE EXPENDED UNDER
2 SUBSECTION (4) FOR GRANTS FOR 1 OR MORE OF THE FOLLOWING PURPOSES
3 IN THE COMMUNITY WHERE THE VIOLATION OCCURRED, OR NEARBY
4 COMMUNITIES, PARTICULARLY ENVIRONMENTAL PROTECTION COMMUNITIES:

5 (i) THE PURPOSES DESCRIBED IN SUBDIVISION (A) (i) AND (ii) .

6 (ii) HEALTH IMPACT ASSESSMENTS .

7 (iii) EDUCATION AND TRAINING PROGRAMS FOR COMMUNITY RESIDENTS
8 AND LOCAL ENVIRONMENTAL REGULATORS TO INCREASE EFFECTIVENESS OF
9 ENFORCEMENT PROGRAMS IN DETERRING VIOLATIONS OF THIS PART AND RULES
10 PROMULGATED OR ORDERS ISSUED UNDER THIS PART.

11 (4) THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL ESTABLISH AN
12 AIR QUALITY COMMUNITY IMPACT GRANT PROGRAM. THE PROGRAM SHALL
13 PROVIDE GRANTS TO NONPROFIT ENTITIES, LOCAL HEALTH DEPARTMENTS,
14 LOCAL ENVIRONMENTAL DEPARTMENTS, AND SCHOOL DISTRICTS TO CARRY OUT
15 THE PURPOSES OF SUBSECTION (3) (B) .

16 (5) THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL PROMULGATE
17 RULES TO IMPLEMENT SUBSECTION (4) . AT A MINIMUM, THE RULES SHALL
18 DESCRIBE HOW GRANTS ARE TO BE ALLOCATED, THE PROCEDURES FOR
19 APPLYING FOR GRANTS, THE CRITERIA FOR AWARDED GRANTS, AND
20 ADMINISTRATIVE AND FISCAL REQUIREMENTS GOVERNING THE RECEIPT AND
21 EXPENDITURE OF GRANTS. THE DEPARTMENT SHALL PROMULGATE THE RULES IN
22 CONSULTATION WITH AN ADVISORY COMMITTEE THAT INCLUDES, BUT IS NOT
23 LIMITED TO, AT LEAST 1 OF EACH OF THE FOLLOWING:

24 (A) A PUBLIC HEALTH EXPERT .

25 (B) A REPRESENTATIVE OF AN ENVIRONMENTAL JUSTICE ORGANIZATION .

26 (C) A REPRESENTATIVE OF THE DEPARTMENT OF HEALTH AND HUMAN
27 SERVICES .

1 (D) A REPRESENTATIVE OF A LOCAL HEALTH DEPARTMENT OR LOCAL
2 ENVIRONMENTAL DEPARTMENT.

3 (E) TWO RESIDENTS OF ENVIRONMENTAL PROTECTION COMMUNITIES.

4 (6) THE DEPARTMENT OF ENVIRONMENTAL QUALITY, IN COLLABORATION
5 WITH ENVIRONMENTAL INTEREST GROUPS, SHALL DEVELOP A PROCESS TO
6 IDENTIFY ENVIRONMENTAL PROTECTION COMMUNITIES. WITHIN 150 DAYS
7 AFTER CENSUS BLOCK DATA FROM A DECENNIAL CENSUS BECOMES PUBLICLY
8 AVAILABLE, THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL IDENTIFY
9 ENVIRONMENTAL JUSTICE COMMUNITIES. THE IDENTIFICATION PROCESS SHALL
10 INCLUDE COMMUNITY ENGAGEMENT TO OBTAIN INFORMATION AND RECEIVE
11 FEEDBACK.

12 (7) THE DEPARTMENT SHALL POST ON ITS WEBSITE AND OTHERWISE
13 MAKE PUBLICLY AVAILABLE AN ANNUAL REPORT ON THE PURPOSES FOR WHICH
14 GRANTS WERE AWARDED UNDER SUBSECTION (3) (B), INCLUDING THE
15 COMMUNITIES AFFECTED.

16 Enacting section 1. This amendatory act takes effect 90 days
17 after the date it is enacted into law.