

# HOUSE BILL No. 4578

April 27, 1999, Introduced by Reps. Brater, Garza, Hansen, Baird, Gielegem, Brewer, Schauer, Bogardus, Hale, Martinez, Mans, Dennis, Woodward, DeHart, Callahan, Basham, Scranton and Thomas and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
(MCL 324.101 to 324.90106) by adding part 6.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

PART 6 DEPARTMENT OF ENVIRONMENTAL QUALITY

GENERAL POWERS AND DUTIES

SEC. 601. AS USED IN THIS PART:

(A) "CORE PERFORMANCE MEASURES" MEANS A HIERARCHICAL COLLECTION OF ENVIRONMENTAL INDICATORS, PROGRAM OUTCOME MEASURES, AND PROGRAM OUTPUT MEASURES THAT ARE RELEVANT NATIONWIDE AND USED FOR STRATEGIC PLANNING, PROGRAM PLANNING, AND TRACKING PROGRESS IN ACHIEVING ENVIRONMENTAL PROGRAM GOALS AND OBJECTIVES.

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

1        SEC. 602. (1) THE DEPARTMENT SHALL, NOT LATER THAN JANUARY  
2 15, 2000 AND ANNUALLY THEREAFTER, COMPILE ENVIRONMENTAL DATA  
3 COLLECTED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY IN A SINGLE  
4 REPORT AND SHALL MAKE THE REPORT AVAILABLE TO THE PUBLIC. THE  
5 DEPARTMENT SHALL COOPERATE WITH THE DEPARTMENT OF NATURAL  
6 RESOURCES AND OTHER DEPARTMENTS AS APPROPRIATE TO PREPARE THE  
7 REPORT.

8        (2) THE REPORT PREPARED UNDER SUBSECTION (1) SHALL BE SUB-  
9 MITTED TO THE GOVERNOR, THE CHAIRS OF THE STANDING COMMITTEES OF  
10 THE LEGISLATURE WITH JURISDICTION OVER ENVIRONMENTAL QUALITY AND  
11 NATURAL RESOURCE ISSUES, AND THE CHAIRS OF THE SENATE AND HOUSE  
12 OF REPRESENTATIVES APPROPRIATION SUBCOMMITTEES ON NATURAL  
13 RESOURCES AND ENVIRONMENTAL QUALITY. THE REPORT SHALL ALSO BE  
14 MADE AVAILABLE TO THE PUBLIC ELECTRONICALLY AND IN PAPER FORMAT  
15 UPON REQUEST.

16        (3) THE CONTENT OF THE REPORT PREPARED UNDER SUBSECTION (1)  
17 SHALL BE GUIDED BY THE CORE PERFORMANCE MEASURES AGREED TO IN  
18 NEGOTIATIONS BETWEEN THE UNITED STATES ENVIRONMENTAL PROTECTION  
19 AGENCY AND THE ENVIRONMENTAL COUNCIL OF THE STATES BEGINNING WITH  
20 THE AGREEMENT AS NEGOTIATED FOR FISCAL YEAR 1998. SUBSEQUENT  
21 REPORTS SHALL REFLECT ANY REVISIONS TO THE 1998 AGREEMENT.  
22 HOWEVER, THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE  
23 FOLLOWING INFORMATION:

24        (A) TOXIC RELEASES AND OFF-SITE TRANSFERS: STATE TOTALS FOR  
25 RELEASES AND OFF-SITE TRANSFERS REPORTED PURSUANT TO THE FEDERAL  
26 TOXIC RELEASES INVENTORY. THIS DATA SHALL BE REPORTED BOTH IN  
27 TOTAL AND FOR RELEASES TO AIR, WATER, AND LAND.

1 (B) AIR QUALITY: STATE AMBIENT AIR QUALITY DATA FOR  
2 CRITERIA POLLUTANTS; STATE EMISSION TOTALS FOR CRITERIA POLLUT-  
3 ANTS FROM MAJOR STATIONARY SOURCES; EXCEEDANCES OF NATIONAL AMBI-  
4 ENT AIR QUALITY STANDARDS; SIZE AND LOCATION OF NONATTAINMENT  
5 AREAS.

6 (C) SURFACE WATER QUALITY: PERCENTAGE OF THE STATE'S SUR-  
7 FACE WATERS SUPPORTING AND NOT SUPPORTING DESIGNATED USES; AREAS  
8 WITH IMPAIRED WATER QUALITY; NUMBER, LOCATION, AND VOLUME OF COM-  
9 BINED SEWAGE OVERFLOWS REPORTED TO THE DEPARTMENT.

10 (D) DRINKING WATER: NUMBER, LOCATION, AND AMOUNT OF EXCEE-  
11 DANCES OF MAXIMUM CONTAMINANT LEVELS; PERCENTAGE OF PUBLIC WATER  
12 SUPPLIES WITH EXCEEDANCES.

13 (E) SOLID WASTE: STATEWIDE TOTAL OF SOLID WASTE LANDFILLED;  
14 PROPORTION OF WASTE IMPORTED AS A PERCENTAGE OF STATE TOTAL LAND-  
15 FILLED AND STATE OR COUNTY OF ORIGIN OF IMPORTED.

16 (F) HAZARDOUS WASTE: STATEWIDE TOTAL OF WASTE GENERATED,  
17 IMPORTED AND EXPORTED, AND DISPOSED IN MICHIGAN; PROPORTION OF  
18 WASTE IMPORTED AS A PERCENTAGE OF THE STATE TOTAL DISPOSED IN  
19 MICHIGAN.

20 (4) THE DEPARTMENT SHALL ALSO INCLUDE IN THE REPORT PREPARED  
21 UNDER SUBSECTION (1) THOSE CORE PERFORMANCE MEASURES FOR WHICH  
22 DATA ARE CURRENTLY COLLECTED AND READILY AVAILABLE. THE DEPART-  
23 MENT MAY MODIFY CORE PERFORMANCE MEASURES TO MAKE USE OF CUR-  
24 RENTLY COLLECTED AND READILY AVAILABLE DATA. THE DEPARTMENT  
25 SHALL ALSO REPORT ON ACTIVITIES IT IS ENGAGING IN TO ADOPT A COM-  
26 PREHENSIVE SET OF CORE PERFORMANCE MEASURES.

1        SEC. 603. THE DEPARTMENT SHALL, NOT LATER THAN JANUARY 15,  
2 2001, MAKE RECOMMENDATIONS TO THE LEGISLATURE ON A COMPREHENSIVE  
3 SET OF PERFORMANCE MEASURES. PRIOR TO MAKING THESE RECOMMENDA-  
4 TIONS, THE DEPARTMENT SHALL HOLD PUBLIC HEARINGS TO RECEIVE  
5 PUBLIC TESTIMONY. THE PERFORMANCE MEASURES SHALL REFLECT THE  
6 CORE PERFORMANCE MEASURES IDENTIFIED IN SECTION 602 AND ANY ADDI-  
7 TIONAL MEASURES NECESSARY TO REFLECT ENVIRONMENTAL PROGRAM PRIOR-  
8 ITIES AND GOALS IN MICHIGAN. THE DEPARTMENT SHALL ESTIMATE THE  
9 COST TO ESTABLISH THESE MEASURES AND BENEFITS OF RECEIVING  
10 GREATER FLEXIBILITY IN SPENDING FEDERAL FUNDS AWARDED TO THE  
11 STATE FOR THE ADMINISTRATION OF ENVIRONMENTAL PROTECTION  
12 PROGRAMS.

13        SEC. 604. (1) THE DEPARTMENT SHALL CONVENE AN ADVISORY COM-  
14 MITTEE TO GUIDE THE DEVELOPMENT OF THE RECOMMENDATIONS REQUIRED  
15 IN SECTION 603. THE ADVISORY COMMITTEE SHALL CONSIST OF 1 REPRE-  
16 SENTATIVE FROM THE DEPARTMENT, 1 REPRESENTATIVE EACH FROM THE  
17 DEPARTMENTS OF NATURAL RESOURCES AND AGRICULTURE, 3 EXPERTS FROM  
18 UNIVERSITIES, AND 2 REPRESENTATIVES EACH FROM ENVIRONMENTAL,  
19 BUSINESS, AGRICULTURAL, AND NATURAL RESOURCES INTERESTS. A MEET-  
20 ING OF THE ADVISORY COMMITTEE SHALL BE HELD IN COMPLIANCE WITH  
21 THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

22        (2) THE ADVISORY COMMITTEE ESTABLISHED UNDER SUBSECTION (1)  
23 SHALL REVIEW THE TYPES OF DATA COLLECTED AND MANAGED BY STATE  
24 DEPARTMENTS THAT ARE RELEVANT TO THE DEVELOPMENT OF PERFORMANCE  
25 MEASURES. THE ADVISORY COMMITTEE SHALL IDENTIFY USEFUL DATA  
26 ALREADY COLLECTED BY THE STATE AND MISSING DATA THAT SHOULD BE  
27 COLLECTED BY THE STATE TO FULLY IMPLEMENT A COMPREHENSIVE SET OF

1 PERFORMANCE MEASURES. THE ADVISORY COMMITTEE MAY ALSO RECOMMEND  
2 WAYS TO EASE DATA REPORTING AND MANAGEMENT BURDENS TO FACILITATE  
3 USE OF THE DATA COLLECTED BY THE STATE. THE DEPARTMENT REPRESENTATIVES  
4 SERVING ON THE ADVISORY COMMITTEE SHALL ASSIST THE  
5 ADVISORY COMMITTEE IN FULFILLING ITS DUTIES. THE ADVISORY  
6 COMMITTEE'S DUTIES SHALL CONCLUDE WHEN THE LEGISLATURE RECEIVES  
7 THE RECOMMENDATIONS REQUIRED UNDER SECTION 603. THE DEPARTMENT  
8 SHALL CONVENE A NEW ADVISORY COMMITTEE EVERY 3 YEARS FOLLOWING  
9 SUBMISSION OF THE RECOMMENDATIONS TO REVIEW THE STATUS OF IMPLEMENTATION  
10 AND THE NEED FOR REVISIONS TO RESPOND TO CHANGING  
11 PRIORITIES. SUBSEQUENT ADVISORY COMMITTEES SHALL BE MADE UP OF  
12 THE SAME REPRESENTATION AS SPECIFIED UNDER SUBSECTION (1).