

# SENATE BILL NO. 1068

August 15, 2020, Introduced by Senator HERTEL and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11550 and 16908 (MCL 324.11550 and 324.16908), section 11550 as amended by 2018 PA 640 and section 16908 as amended by 2014 PA 543.

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

**1**           Sec. 11550. (1) The solid waste management fund is created  
**2**           within the state treasury. The state treasurer may receive money

1 from any source for deposit into the fund. The state treasurer  
2 shall direct the investment of the fund. The state treasurer shall  
3 credit to the fund interest and earnings from fund investments. **The**  
4 **department shall be the administrator of the fund for auditing**  
5 **purposes.**

6 (2) Money in the solid waste management fund at the close of  
7 the fiscal year shall remain in the fund and shall not lapse to the  
8 general fund.

9 (3) The state treasurer shall establish, within the solid  
10 waste management fund, a solid waste staff account and a perpetual  
11 care account.

12 (4) ~~Money~~ **Subject to subsection (5), money** shall be expended  
13 from the solid waste staff account, upon appropriation, only for  
14 the following purposes:

15 (a) Preparing generally applicable guidance regarding the  
16 solid waste permit and license program or its implementation or  
17 enforcement.

18 (b) Reviewing and acting on any application for a permit or  
19 license, permit or license revision, or permit or license renewal,  
20 including the cost of public notice and public hearings.

21 (c) Performing an advisory analysis under section 11510(1).

22 (d) General administrative costs of running the permit and  
23 license program, including permit and license tracking and data  
24 entry.

25 (e) Inspection of licensed disposal areas and open dumps.

26 (f) Implementing and enforcing the conditions of any permit or  
27 license.

28 (g) Groundwater monitoring audits at disposal areas which are  
29 or have been licensed under this part.

1 (h) Reviewing and acting upon corrective action plans for  
2 disposal areas which are or have been licensed under this part.

3 (i) Review of certifications of closure.

4 (j) Postclosure maintenance and monitoring inspections and  
5 review.

6 (k) Review of bonds and financial assurance documentation at  
7 disposal areas which are or have been licensed under this part.

8 **(5) For the fiscal year ending September 30, 2020, only,**  
9 **\$2,000,000.00 of the money in the solid waste staff account of the**  
10 **solid waste management fund is transferred to and must be deposited**  
11 **in the general fund.**

12 **(6)** ~~(5)~~ Money shall be expended from the perpetual care  
13 account, upon appropriation, only for ~~the purpose of conducting the~~  
14 following activities at disposal areas ~~which~~ **that** are or have been  
15 licensed under this part:

16 (a) ~~Postclosure~~ **To conduct postclosure** maintenance and  
17 monitoring at a disposal area ~~where~~ **if** the owner or operator is no  
18 longer required to do so.

19 (b) To conduct closure, or postclosure maintenance and  
20 monitoring and corrective action if necessary, at a disposal area  
21 where the owner or operator has failed to do so. Money shall be  
22 expended from the account only after funds from any perpetual care  
23 fund or other financial assurance mechanisms held by the owner or  
24 operator have been expended and the department has ~~used~~ **made**  
25 reasonable efforts to obtain funding from other sources.

26 **(7)** ~~(6)~~ By March 1 annually, the department shall prepare and  
27 submit to the governor, the legislature, the chairs of the standing  
28 committees of the senate and house of representatives with primary  
29 responsibility for issues related to natural resources and the

1 environment, and the chairs of the subcommittees of the senate and  
2 house appropriations committees with primary responsibility for  
3 appropriations to the department a report that details the  
4 activities of the previous fiscal year funded by the staff account  
5 of the solid waste management fund. This report shall include, at a  
6 minimum, all of the following as it relates to the department:

7 (a) The number of full-time equated positions performing solid  
8 waste management permitting, compliance, and enforcement  
9 activities.

10 (b) All of the following information related to the  
11 construction permit applications received under section 11509:

12 (i) The number of applications received by the department,  
13 reported as the number of applications determined to be  
14 administratively incomplete and the number determined to be  
15 administratively complete.

16 (ii) The number of applications determined to be  
17 administratively complete for which a final action was taken by the  
18 department. The number of final actions shall be reported as the  
19 number of applications approved, the number of applications denied,  
20 and the number of applications withdrawn by the applicant.

21 (iii) The percentage and number of applications determined to be  
22 administratively complete for which a final decision was made  
23 within the period required by part 13.

24 (c) All of the following information related to the operating  
25 license applications received under section 11512:

26 (i) The number of applications received by the department,  
27 reported as the number of applications determined to be  
28 administratively incomplete and the number determined to be  
29 administratively complete.

1           (ii) The number of applications determined to be  
2 administratively complete for which a final action was taken by the  
3 department. The number of final actions shall be reported as the  
4 number of applications approved, the number of applications denied,  
5 and the number of applications withdrawn by the applicant.

6           (iii) The percentage and number of applications determined to be  
7 administratively complete for which a final decision was made  
8 within the period required by part 13.

9           (d) The number of inspections conducted at licensed disposal  
10 areas as required by section 11519.

11           (e) The number of letters of warning sent to licensed disposal  
12 areas.

13           (f) The number of contested case hearings and civil actions  
14 initiated and completed, the number of voluntary consent orders and  
15 administrative orders entered or issued, and the amount of fines  
16 and penalties collected through such actions or orders.

17           (g) For each enforcement action that includes a penalty, a  
18 description of ~~what the~~ corrective actions ~~were~~ required by the  
19 enforcement action.

20           (h) The number of solid waste complaints received,  
21 investigated, resolved, and not resolved by the department.

22           (i) The amount of revenue in the staff account of the solid  
23 waste management fund and the coal ash care fund at the end of the  
24 fiscal year.

25           **(8)** ~~(7)~~—The coal ash care fund is created within the state  
26 treasury. The state treasurer may receive money from any source for  
27 deposit into the fund. The state treasurer shall direct the  
28 investment of the fund. The state treasurer shall credit to the  
29 fund interest and earnings from fund investments.

1           (9) ~~(8)~~ Money shall be expended from the coal ash care fund,  
2 upon appropriation, only for the following purposes relating to  
3 coal ash impoundments and coal ash landfills:

4           (a) Preparing generally applicable guidance regarding the  
5 solid waste permit and license program or its implementation or  
6 enforcement.

7           (b) Reviewing and acting on any application for a permit or  
8 license, permit or license revision, or permit or license renewal,  
9 including the cost of public notice and public hearings.

10          (c) Performing an advisory analysis under section 11510(1).

11          (d) General administrative costs of running the permit and  
12 license program, including permit and license tracking and data  
13 entry.

14          (e) Inspection of licensed disposal areas and open dumps.

15          (f) Implementing and enforcing the conditions of any permit or  
16 license.

17          (g) Groundwater monitoring audits at disposal areas that are  
18 or have been licensed under this part.

19          (h) Reviewing and acting upon corrective action plans for  
20 disposal areas that are or have been licensed under this part.

21          (i) Review of certifications of closure.

22          (j) Postclosure maintenance and monitoring inspections and  
23 review.

24          (k) Review of bonds and financial assurance documentation at  
25 disposal areas that are or have been licensed under this part.

26          Sec. 16908. (1) The scrap tire regulatory fund is created in  
27 the state treasury. The fund shall receive money as provided by law  
28 and any gifts or contributions to the fund. The state treasurer  
29 shall direct the investment of the fund. Interest and earnings of

1 the fund shall be credited to the fund. The department shall be the  
2 administrator of the fund for auditing purposes. Money in the fund  
3 at the close of the fiscal year shall remain in the fund and shall  
4 not revert to the general fund.

5 (2) ~~Money~~ **Subject to subsection (4), money** in the fund shall  
6 be used, upon appropriation, for all of the following purposes:

7 (a) For administrative costs of the department associated with  
8 this part including the implementation and enforcement of this  
9 part. However, money shall not be expended under this subdivision  
10 for the employment of more than 11 full-time equated positions.

11 (b) For the administrative costs of the secretary of state  
12 associated with the collection of the tire disposal surcharge  
13 pursuant to section 806 of the Michigan vehicle code, 1949 PA 300,  
14 MCL 257.806.

15 (c) For the cleanup or collection of abandoned scrap tires and  
16 scrap tires at collection sites. The department shall give priority  
17 to funding activities under this subdivision at collection sites in  
18 which the scrap tires were accumulated ~~prior to~~ **before** January 1,  
19 1991 and to collection sites that pose an imminent threat to public  
20 health, safety, welfare, or the environment. For collection sites  
21 that have accumulated tires after January 1, 1991, a lien ~~—~~ in  
22 favor of ~~the~~ **this** state, up to the value of the cleanup grant  
23 amount and any increase in the value of the property as a result of  
24 the cleanup of the property with grant funds, shall be placed on  
25 the property that is affected by the removal of the tires as  
26 provided in section 16908b. Before making a grant under this  
27 subdivision, the department shall consider the extent to which the  
28 making of the grant would contribute to the achievement of a  
29 balanced distribution of grants under this subdivision throughout

1 ~~the~~**this** state. If a grant is awarded under this subdivision for  
2 collecting scrap tires at a community cleanup site, the tires shall  
3 be removed from the community cleanup site by the time specified in  
4 the grant contract.

5 (d) For grants to reimburse the cost of purchasing scrap tires  
6 to support the development of increased markets for scrap tires.  
7 Only the cost of purchasing scrap tires from scrap tire processors  
8 in this state or other generators of scrap tires in this state is  
9 eligible for reimbursement under this subdivision.

10 (e) For grants of up to 50% of the cost of purchasing  
11 equipment, or research and development, to provide for a new or  
12 increased use for scrap tires.

13 (f) For costs associated with enforcement of this part,  
14 including grants to local law enforcement agencies.

15 (3) Applications for grants under subsection (2) shall be  
16 submitted on a form approved by the department and shall contain  
17 the information required by the department. The department shall  
18 publish criteria upon which the grants will be issued and shall  
19 make that information available to grant applicants.

20 **(4) For the fiscal year ending September 30, 2020, only,**  
21 **\$4,000,000.00 of the money in the scrap tire regulatory fund is**  
22 **transferred to and must be deposited into the general fund.**