

SUBSTITUTE FOR
HOUSE BILL NO. 4558
(As amended January 21, 1998)

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 601.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 6 DEPARTMENT OF ENVIRONMENTAL QUALITY
2 GENERAL POWERS AND DUTIES
3 SEC. 601. (1) THE DEPARTMENT OF ENVIRONMENTAL QUALITY
4 SHALL, NOT LATER THAN JANUARY 15, 1999 AND ANNUALLY THEREAFTER,
5 COMPILE ENVIRONMENTAL DATA COLLECTED BY THE DEPARTMENT OF ENVI-
6 RONMENTAL QUALITY IN A SINGLE REPORT [AND SHALL
7] MAKE THE REPORT AVAILABLE TO THE
8 PUBLIC. THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL COOPERATE
9 WITH THE DEPARTMENT OF NATURAL RESOURCES AND OTHER DEPARTMENTS AS
10 APPROPRIATE TO PREPARE THE REPORT.

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1 (2) THE REPORT PREPARED UNDER SUBSECTION (1) SHALL BE
2 SUBMITTED TO THE GOVERNOR, THE CHAIRS OF THE STANDING COMMITTEES
3 OF THE LEGISLATURE WITH JURISDICTION OVER ENVIRONMENTAL QUALITY
4 AND NATURAL RESOURCE ISSUES, AND THE CHAIRS OF THE SENATE AND
5 HOUSE OF REPRESENTATIVES APPROPRIATION SUBCOMMITTEES ON NATURAL
6 RESOURCES AND ENVIRONMENTAL QUALITY. THE REPORT SHALL ALSO BE
7 MADE AVAILABLE TO THE PUBLIC ELECTRONICALLY AND IN PAPER FORMAT
8 UPON REQUEST.

9 (3) THE CONTENT OF THE REPORT PREPARED UNDER SUBSECTION (1)
10 SHALL BE GUIDED BY THE CORE PERFORMANCE MEASURES AGREED TO IN
11 NEGOTIATIONS BETWEEN THE UNITED STATES ENVIRONMENTAL PROTECTION
12 AGENCY AND THE ENVIRONMENTAL COUNCIL OF THE STATES BEGINNING WITH
13 THE AGREEMENT AS NEGOTIATED FOR FISCAL YEAR 1998. SUBSEQUENT
14 REPORTS SHALL REFLECT ANY REVISIONS TO THE 1998 AGREEMENT.
15 HOWEVER, THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE
16 FOLLOWING INFORMATION:

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

21 (B) AIR QUALITY: STATE AMBIENT AIR QUALITY DATA FOR CRI-
22 TERIA POLLUTANTS; STATE EMISSION TOTALS FOR CRITERIA POLLUTANTS
23 FROM MAJOR STATIONARY SOURCES; EXCEEDANCES OF NATIONAL AMBIENT
24 AIR QUALITY STANDARDS; SIZE AND LOCATION OF NONATTAINMENT AREAS.

25 (C) SURFACE WATER QUALITY: PERCENTAGE OF THE STATE'S SUR-
26 FACE WATERS SUPPORTING AND NOT SUPPORTING DESIGNATED USES; AREAS

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1 WITH IMPAIRED WATER QUALITY; NUMBER, LOCATION, AND VOLUME OF
2 COMBINED SEWAGE OVERFLOWS REPORTED TO THE DEPARTMENT.

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

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

9 (F) HAZARDOUS WASTE: STATEWIDE TOTAL OF WASTE GENERATED,
10 IMPORTED AND EXPORTED, AND DISPOSED IN MICHIGAN; PROPORTION OF
11 WASTE IMPORTED AS A PERCENTAGE OF THE STATE TOTAL DISPOSED IN
12 MICHIGAN.

13 (4) THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL ALSO
14 INCLUDE IN THE REPORT PREPARED UNDER SUBSECTION (1) THOSE CORE
15 PERFORMANCE MEASURES FOR WHICH DATA ARE CURRENTLY COLLECTED AND
16 READILY AVAILABLE. THE DEPARTMENT OF ENVIRONMENTAL QUALITY MAY
17 MODIFY CORE PERFORMANCE MEASURES TO MAKE USE OF CURRENTLY COL-
18 LECTED AND READILY AVAILABLE DATA. THE DEPARTMENT OF ENVIRONMEN-
19 TAL QUALITY SHALL ALSO REPORT ON ACTIVITIES IT IS ENGAGING IN TO
20 ADOPT A COMPREHENSIVE SET OF CORE PERFORMANCE MEASURES. AS USED
21 IN THIS SUBSECTION, "CORE PERFORMANCE MEASURES" MEANS A HIERAR-
22 CHICAL COLLECTION OF ENVIRONMENTAL INDICATORS, PROGRAM OUTCOME
23 MEASURES, AND PROGRAM OUTPUT MEASURES THAT ARE RELEVANT NATION-
24 WIDE AND USED FOR STRATEGIC PLANNING, PROGRAM PLANNING, AND
25 TRACKING PROGRESS IN ACHIEVING ENVIRONMENTAL PROGRAM GOALS AND
26 OBJECTIVES.

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1 (5) THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL, NOT LATER
2 THAN JANUARY 15, 2000, MAKE RECOMMENDATIONS TO THE LEGISLATURE ON
3 A COMPREHENSIVE SET OF PERFORMANCE MEASURES. PRIOR TO MAKING
4 THESE RECOMMENDATIONS, THE DEPARTMENT SHALL HOLD PUBLIC HEARINGS
5 TO RECEIVE PUBLIC TESTIMONY. THE PERFORMANCE MEASURES SHALL
6 REFLECT THE CORE PERFORMANCE MEASURES IDENTIFIED IN SUBSECTION
7 (4) AND ANY ADDITIONAL MEASURES NECESSARY TO REFLECT ENVIRONMEN-
8 TAL PROGRAM PRIORITIES AND GOALS IN MICHIGAN. THE DEPARTMENT
9 SHALL ESTIMATE THE COST TO ESTABLISH THESE MEASURES AND BENEFITS
10 OF RECEIVING GREATER FLEXIBILITY IN SPENDING FEDERAL FUNDS
11 AWARDED TO THE STATE FOR THE ADMINISTRATION OF ENVIRONMENTAL PRO-
12 TECTION PROGRAMS.

13 (6) THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL CONVENE AN
14 ADVISORY COMMITTEE TO GUIDE THE DEVELOPMENT OF THE RECOMMENDA-
15 TIONS REQUIRED IN SUBSECTION (5). THE ADVISORY COMMITTEE SHALL
16 CONSIST OF 1 REPRESENTATIVE EACH FROM THE DEPARTMENTS OF ENVIRON-
17 MENTAL QUALITY, NATURAL RESOURCES, AND AGRICULTURE, 3 EXPERTS
18 FROM THE UNIVERSITIES, AND 2 REPRESENTATIVES EACH FROM ENVIRON-
19 MENTAL, BUSINESS, AGRICULTURAL, AND NATURAL RESOURCES INTERESTS.
20 A MEETING OF THE ADVISORY COMMITTEE SHALL BE HELD IN COMPLIANCE
21 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

22 (7) THE ADVISORY COMMITTEE ESTABLISHED UNDER SUBSECTION (6)
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

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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 REPRESENTIVES
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 SUBSECTION (5). THE DEPARTMENT
8 OF ENVIRONMENTAL QUALITY SHALL CONVENE A NEW ADVISORY COMMITTEE
9 EVERY 3 YEARS FOLLOWING SUBMISSION OF THE RECOMMENDATIONS
10 TO REVIEW THE STATUS OF IMPLEMENTATION AND THE NEED FOR REVISIONS
11 TO RESPOND TO CHANGING PRIORITIES. SUBSEQUENT ADVISORY COMMITTEES
12 SHALL BE MADE UP OF THE SAME REPRESENTATION AS SPECIFIED
13 UNDER SUBSECTION (6).