

SENATE BILL NO. 704

February 01, 2024, Introduced by Senator SINGH and referred to the Committee on Energy and Environment.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11550 and 11582 (MCL 324.11550 and 324.11582), section 11550 as amended by 2022 PA 248 and section 11582 as added by 2022 PA 250.

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, **and a circular economy institute account. It is the**
12 **intent of the legislature that the amount deposited in the circular**
13 **economy institute account each state fiscal year be not less than**
14 **10% of the total of the amounts deposited in the solid waste staff**
15 **account and perpetual care account in the preceding state fiscal**
16 **year.**

17 (4) Subject to subsection (5), money shall be expended from
18 the solid waste staff account, upon appropriation, only for the
19 following purposes:

20 (a) Preparing generally applicable guidance regarding the
21 materials management facility program or its implementation or
22 enforcement.

23 (b) Reviewing and acting on any notification, registration,
24 application for approval under a general permit, application for a
25 permit or license, permit or license revision, or permit or license
26 renewal under part 115, including the cost of public notice and
27 public hearings.

28 (c) Providing an advisory analysis under section 11510(1).

29 (d) General administrative costs of running the permit,

1 license, registration, and notification program under part 115,
2 including permit, license, registration, and notification tracking
3 and data entry.

4 (e) Inspection of materials management facilities and open
5 dumps.

6 (f) Implementing and enforcing the conditions of any permit,
7 license, approval under a general permit, registration, or order
8 under part 115.

9 (g) Groundwater monitoring audits at disposal areas that are
10 or have been licensed under this part or at any other materials
11 management facility that requires groundwater monitoring because of
12 a release or suspected release.

13 (h) Reviewing and acting upon corrective action plans for
14 materials management facilities, if required under part 115.

15 (i) Review of certifications of closure under part 115.

16 (j) Postclosure maintenance and monitoring inspections and
17 review under part 115.

18 (k) Review of bonds and financial assurance documentation at
19 materials management facilities, if required under part 115.

20 (l) Materials management planning.

21 (m) Materials utilization education and outreach.

22 (n) Development of a materials utilization and recycled
23 materials market directory.

24 (o) Administration of grants and loans under part 115 for
25 planning, market development and recycling infrastructure,
26 outreach, and education.

27 (p) Up to 1 full-time equivalent employee for the Michigan
28 economic development corporation to address recycled materials
29 market development.

1 (5) Money shall be expended from the perpetual care account,
2 upon appropriation, only for the following activities at materials
3 management facilities for which the requirements of section
4 11508(1)(a) are or were met and for which fees have been collected
5 and deposited into the perpetual care account:

6 (a) To conduct postclosure maintenance and monitoring if the
7 owner or operator is no longer required to do so.

8 (b) To conduct closure, postclosure maintenance and
9 monitoring, and necessary corrective action if the owner or
10 operator has failed to do so. Money shall be expended from the
11 account only after funds from any other financial assurance
12 mechanisms held by the owner or operator have been expended and the
13 department has made reasonable efforts to obtain funding from other
14 sources.

15 **(6) Money shall be expended from the circular economy**
16 **institute account, upon appropriation, only to support an institute**
17 **at Michigan State University that has the following purposes**
18 **concerning the circular economy of material waste reduction, reuse,**
19 **recycling, and recovery in this state:**

20 (a) To identify, conduct, and support innovative research with
21 industry, public, and nonprofit partners.

22 (b) To conduct training and provide technical assistance to
23 industry, public agencies, and other key stakeholders in the
24 implementation of best practices.

25 (c) To increase effective business and workforce development,
26 job creation, and corporate social responsibility.

27 (d) To develop and support professional development
28 opportunities through certificate programs and other appropriate
29 means.

1 (7) ~~(6)~~—Subject to appropriations, the department shall
2 provide grants for the following purposes:

3 (a) The recycling markets program established under subsection
4 ~~(7)~~. ~~(8)~~.

5 (b) The local recycling innovation program established under
6 subsection ~~(8)~~. ~~(9)~~.

7 (c) The recycling access and voluntary participation program
8 established under subsection ~~(9)~~. ~~(10)~~.

9 (8) ~~(7)~~—The department shall establish a recycling markets
10 program. The program shall provide grants or loans for acquiring
11 equipment or technology, for research and development, or for
12 associated activities to provide for new or increased use of
13 recycled materials or to support the development of recycling
14 markets. Local units of government and nonprofit and for-profit
15 entities are eligible for funding under the program. The funding is
16 not limited to entities in counties with approved materials
17 management plans. In addition to any other reporting requirements
18 established by the department, grant recipients under the program
19 shall provide information on the materials managed.

20 (9) ~~(8)~~—The department shall establish a local recycling
21 innovation program. The program shall provide grants or loans for
22 developing local recycling infrastructure, for recycling education
23 campaigns for residents and businesses, technology, or other
24 activities that result in increasing recycling access, quality, or
25 participation, for reducing waste, or for sustainable materials
26 management. Local units of government and nonprofit and for-profit
27 entities are eligible for funding under the program. The funding is
28 not limited to entities in counties with approved materials
29 management plans. In addition to any other reporting requirements

1 established by the department, grant recipients under the program
2 shall provide the department information on the materials managed.

3 **(10)** ~~(9)~~—The department shall establish a recycling access and
4 voluntary participation program. The program shall provide grants
5 or loans to assist local units of government in implementing best
6 materials utilization practices or identifying ways to innovate and
7 to collaborate with other local units and the private sector. To be
8 eligible for a grant, a local unit of government must be a county
9 that meets, or a municipality located within a county that meets,
10 both of the following requirements:

11 (a) Has a materials management plan.

12 (b) Has documented progress toward meeting or has met its
13 benchmark recycling standards and ultimately the municipal solid
14 waste recycling rate goal under section 11507.

15 **(11)** ~~(10)~~—The department shall publish and make available to
16 grant and loan applicants criteria upon which the grants and loans
17 will be made.

18 **(12)** ~~(11)~~—By March 1 annually, the department shall prepare
19 and submit to the governor, the legislature, the chairs of the
20 standing committees of the senate and house of representatives with
21 primary responsibility for issues related to natural resources and
22 the environment, and the chairs of the subcommittees of the senate
23 and house appropriations committees with primary responsibility for
24 appropriations to the department a report that details the
25 activities of the previous fiscal year funded by the staff account
26 of the solid waste management fund. This report shall include, at a
27 minimum, all of the following as they apply to the department:

28 (a) The number of full-time equated positions performing solid
29 waste management authorization, compliance, and enforcement

1 activities.

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

4 (i) The number of applications received by the department,
5 reported as the number of applications determined to be
6 administratively incomplete and the number determined to be
7 administratively complete.

8 (ii) The number of applications determined to be
9 administratively complete for which a final action was taken by the
10 department. The number of final actions shall be reported as the
11 number of applications approved, the number of applications denied,
12 and the number of applications withdrawn by the applicant.

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

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

18 (i) The number of applications received by the department,
19 reported as the number of applications determined to be
20 administratively incomplete and the number determined to be
21 administratively complete.

22 (ii) The number of applications determined to be
23 administratively complete for which a final action was taken by the
24 department. The number of final actions shall be reported as the
25 number of applications approved, the number of applications denied,
26 and the number of applications withdrawn by the applicant.

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

1 (d) The number of inspections conducted at licensed disposal
2 areas ~~as required by section 11519~~ and the number of inspections
3 conducted at materials utilization facilities as required by
4 section 11526.

5 (e) The number of letters of warning sent to licensed disposal
6 areas.

7 (f) The number of contested case hearings and civil actions
8 initiated and completed, the number of voluntary consent orders and
9 administrative orders entered or issued, and the amount of fines
10 and penalties collected through such actions or orders.

11 (g) For each enforcement action that includes a penalty, a
12 description of the corrective actions required by the enforcement
13 action.

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

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

19 **(13)** ~~(12)~~—The coal ash care fund is created within the state
20 treasury. The state treasurer may receive money from any source for
21 deposit into the fund. The state treasurer shall direct the
22 investment of the fund. The state treasurer shall credit to the
23 fund interest and earnings from fund investments.

24 **(14)** ~~(13)~~—Money shall be expended from the coal ash care fund,
25 upon appropriation, only for the following purposes relating to
26 coal ash impoundments and coal ash landfills:

27 (a) Preparing generally applicable guidance regarding the
28 solid waste permit and license program or its implementation or
29 enforcement.

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

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

5 (d) General administrative costs of running the permit and
6 license program, including permit and license tracking and data
7 entry.

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

9 (f) Implementing and enforcing the conditions of any permit or
10 license.

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

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

15 (i) Review of certifications of closure.

16 (j) Postclosure maintenance and monitoring inspections and
17 review.

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

20 Sec. 11582. (1) The CAA shall certify to the department the
21 CAA's progress toward meeting all components of its materials
22 management goals. The first certification shall be submitted by the
23 first June 30 that is more than 2 years after the department's
24 approval of the initial MMP or MMP amendment. Subsequent
25 certifications shall be submitted by June 30 every 2 years after
26 the first certification.

27 (2) If a county does not make progress toward meeting its
28 benchmark recycling standards and ultimately the municipal solid
29 waste recycling rate goal under section 11507, the county is

1 ineligible for assistance from the recycling access and voluntary
2 participation program under section ~~11550(9)~~**11550(10)** until both
3 of the following requirements are met:

4 (a) The county adopts an ordinance or other enforceable
5 mechanism to ensure that any solid waste hauler providing curbside
6 solid waste hauling service also offers curbside recycling service
7 to dwellings of 4 or fewer units in the planning area.

8 (b) Any remaining deficiencies in a county's progress toward
9 meeting its materials management goals are addressed.