

SENATE BILL No. 690

August 31, 2005, Introduced by Senator McMANUS and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 3119, 3121, 3124, 5521, 5701, 5702, 5703,
5704, 5705, 5706, 5707, and 5708 (MCL 324.3119, 324.3121, 324.3124,
324.5521, 324.5701, 324.5702, 324.5703, 324.5704, 324.5705,
324.5706, 324.5707, and 324.5708), section 3119 as amended and
section 3121 as added by 2004 PA 91, section 3124 as added by 2004
PA 90, and section 5521 as amended by 1998 PA 245.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3119. (1) The storm water fund is created within the
2 state treasury.

3 (2) The state treasurer may receive money or other assets from
4 any source for deposit into the fund. The state treasurer shall

1 direct the investment of the fund. The state treasurer shall credit
2 to the fund interest and earnings from fund investments.

3 (3) Money in the fund at the close of the fiscal year shall
4 remain in the fund and shall not lapse to the general fund.

5 (4) The department shall expend money from the fund, upon
6 appropriation, only for 1 or more of the following purposes:

7 (a) Review of storm water permit applications.

8 (b) Storm water permit development, issuance, reissuance,
9 modification, and termination.

10 (c) Surface water monitoring to support the storm water
11 permitting process.

12 (d) Assessment of compliance with storm water permit
13 conditions.

14 (e) Enforcement against storm water permit violations.

15 (f) Classification of storm water control facilities.

16 (g) Not more than 10% of the money in the fund for training
17 for certification of storm water operators and educational material
18 to assist persons regulated under this part.

19 (h) Regional or statewide public education to enhance the
20 effectiveness of storm water permits.

21 **(I) FOR THE PURPOSES OF PART 57.**

22 (5) Money in the fund shall not be used to support the direct
23 costs of litigation undertaken to enforce this part.

24 (6) Upon the expenditure or appropriation of money raised in
25 section 3118 for any other purpose than those specifically listed
26 in this section, authorization to collect fees under section 3118
27 ~~shall be~~ **IS** suspended until ~~such time as~~ the money expended or

1 appropriated for purposes other than those listed in this section
2 is returned to the fund.

3 (7) By January 1, 2006 and by January 1 of each year
4 thereafter, the department shall prepare and submit to the
5 governor, the legislature, the chairs of the standing committees of
6 the senate and house of representatives with primary responsibility
7 for issues related to natural resources and the environment, and
8 the chairs of the subcommittees of the senate and house
9 appropriations committees with primary responsibility for
10 appropriations to the department a report that details the
11 departmental activities of the previous fiscal year in
12 administering the department's storm water program that were funded
13 by the fund. This report shall include, at a minimum, all of the
14 following:

15 (a) The number of full-time equated positions performing each
16 of the following functions:

17 (i) Permit issuance and development.

18 (ii) Compliance.

19 (iii) Enforcement.

20 (b) The number of new permit applications received by the
21 department in the preceding year.

22 (c) The number of renewal permits in the preceding year.

23 (d) The number of permit modifications requested in the
24 preceding year.

25 (e) The number of staff hours dedicated to each of the fee
26 categories listed in section 3118.

27 (f) The number of permits issued for fee categories listed in

1 section 3118.

2 (g) The average number of days required for review of a permit
3 from the date the permit application is determined to be
4 administratively complete.

5 (h) The number of permit applications denied.

6 (i) The number of permit applications withdrawn by the
7 applicant.

8 (j) The percentage and number of permit applications that were
9 reviewed for administrative completeness within 10 days of receipt
10 by the department.

11 (k) The percentage and number of permit applications submitted
12 to the department that were administratively complete as received.

13 (l) The percentage and number of new permit applications for
14 which a final action was taken by the department within 180 days.

15 (m) The percentage and number of permit renewals and
16 modifications processed within the required time.

17 (n) The number of permits reopened by the department.

18 (o) The number of unfilled positions dedicated to the
19 department's storm water program.

20 (p) The amount of revenue in the fund at the end of the fiscal
21 year.

22 Sec. 3121. (1) The national pollutant discharge elimination
23 system fund is created within the state treasury.

24 (2) The state treasurer may receive money or other assets from
25 any source for deposit into the fund. The state treasurer shall
26 direct the investment of the fund. The state treasurer shall credit
27 to the fund interest and earnings from fund investments.

1 (3) Money in the fund at the close of the fiscal year shall
2 remain in the fund and shall not lapse to the general fund.

3 (4) The department shall expend money from the fund, upon
4 appropriation, only to administer the national pollutant discharge
5 elimination system program under this part including, but not
6 limited to, all of the following:

7 (a) Water quality standards development and maintenance.

8 (b) Permit development and issuance.

9 (c) Maintenance of program data.

10 (d) Ambient water quality monitoring conducted to determine
11 permit conditions and evaluate the effectiveness of permit
12 requirements.

13 (e) Activities conducted to determine a discharger's permit
14 compliance status, including, but not limited to, inspections,
15 discharge monitoring, and review of submittals.

16 (f) Laboratory services.

17 (g) Enforcement.

18 (h) Program administration activities.

19 **(I) FOR THE PURPOSES OF PART 57.**

20 (5) By January 1, 2006 and by January 1 of each year
21 thereafter, the department shall prepare and submit to the
22 governor, the legislature, the chairs of the standing committees of
23 the senate and house of representatives with primary responsibility
24 for issues related to natural resources and the environment, and
25 the chairs of the subcommittees of the senate and house
26 appropriations committees with primary responsibility for
27 appropriations to the department a report that details the

1 departmental activities of the previous fiscal year in
2 administering the department's national pollutant discharge
3 elimination system program that were funded by the fund. This
4 report shall include, at a minimum, all of the following as it
5 relates to the department:

6 (a) The number of full-time equated positions performing each
7 of the following functions:

8 (i) Permit issuance and development.

9 (ii) Compliance.

10 (iii) Enforcement.

11 (b) The number of permit applications received by the
12 department in the preceding year, including applications for new
13 and increased uses and reissuances.

14 (c) The number of staff hours dedicated to each of the fee
15 categories listed in section 3120.

16 (d) The number of permits issued for fee categories listed in
17 section 3120.

18 (e) The number of permit applications denied.

19 (f) The number of permit applications withdrawn by the
20 applicant.

21 (g) The percentage and number of permit applications that were
22 reviewed for administrative completeness within statutory time
23 frames.

24 (h) The percentage and number of permit applications submitted
25 to the department that were administratively complete as received.

26 (i) The percentage and number of permit applications for which
27 a final action was taken by the department within statutory time

frames for new and increased uses and reissuances.

(j) The number of permits reopened by the department.

(k) The number of unfilled positions dedicated to the national pollutant discharge elimination system program.

(l) The amount of revenue in the fund at the end of the fiscal year.

(6) As used in this section:

(a) "Fund" means the national pollutant discharge elimination system fund created in subsection (1).

(b) "National pollutant discharge elimination system program" means the national pollutant discharge elimination system program delegated to the department under section 402 of title IV of the federal water pollution control act, ~~chapter 758, 86 Stat. 880, 33 U.S.C.~~ **33 USC** 1342, and implemented under this part.

Sec. 3124. (1) The groundwater discharge permit fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the groundwater discharge permit fund. The state treasurer shall direct the investment of the groundwater discharge permit fund.

(2) Money in the groundwater discharge permit fund at the close of the fiscal year shall remain in the groundwater discharge permit fund and shall not lapse to the general fund.

(3) The state treasurer shall credit to the groundwater discharge permit fund the interest and earnings from groundwater discharge permit fund investments.

(4) The department shall expend money from the groundwater discharge permit fund, upon appropriation, only to implement the

1 department's groundwater discharge program under this part **AND FOR**
2 **THE PURPOSES OF PART 57**. However, in any state fiscal year, the
3 department shall not expend more than \$2,000,000.00 of money from
4 the fund.

5 (5) By March 1 annually, the department shall prepare and
6 submit to the governor, the legislature, the chair of the standing
7 committees of the senate and house of representatives with primary
8 responsibility for issues related to natural resources and the
9 environment, and the chairs of the subcommittees of the senate and
10 house appropriations committees with primary responsibility for
11 appropriations to the department a report that details the
12 activities during the previous fiscal year in administering the
13 department's groundwater discharge program that were funded by the
14 groundwater discharge permit fund. This report shall include, at a
15 minimum, all of the following as they relate to the department:

16 (a) The number of full-time equated positions performing
17 groundwater permitting, compliance, and enforcement activities.

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

1 (d) The percentage and number of applications determined to be
2 administratively complete for which a final decision was made
3 within the statutory time frame.

4 (e) The number of inspections conducted at groundwater
5 facilities.

6 (f) The number of violation letters sent.

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

14 (i) The number of groundwater complaints received,
15 investigated, resolved, and not resolved by the department.

16 (j) The amount of revenue in the groundwater discharge permit
17 fund at the end of the fiscal year.

18 Sec. 5521. (1) The emissions control fund is created within
19 the state treasury. The state treasurer may receive money from any
20 source for deposit into the fund. The state treasurer shall direct
21 the investment of the fund. The state treasurer shall credit to the
22 fund interest and earnings from fund investments.

23 (2) Money in the fund at the close of the fiscal year shall
24 remain in the fund and shall not lapse to the general fund.

25 (3) Upon the expenditure or appropriation of funds raised
26 through fees in this part for any purpose other than those
27 specifically listed in this part, authorization to collect fees

under this part is suspended until ~~such time as~~ the funds expended or appropriated for purposes other than those listed in this part are returned to the emissions control fund.

(4) ~~Beginning October 1, 1994 and thereafter money~~ **MONEY** shall be expended from the fund, upon appropriation, only **FOR THE PURPOSES OF PART 57 AND** for the following purposes as they relate to implementing the operating permit program required by title V:

(a) Preparing generally applicable rules or guidance regarding the operating permit program or its implementation or enforcement.

(b) Reviewing and acting on any application for a permit, permit revision, or permit renewal, the development of an applicable requirement as part of the processing of a permit, or permit revision or renewal.

(c) General administrative costs of running the operating permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry.

(d) Implementing and enforcing the terms of any operating permit, not including any court costs or other costs associated with an enforcement action.

(e) Emissions and ambient monitoring.

(f) Modeling, analysis, or demonstration.

(g) Preparing inventories and tracking emissions.

~~(h) Providing direct and indirect support to facilities under the small business clean air assistance program created in part 57.~~

Sec. 5701. As used in this part:

(a) "Clean air act" means chapter 360, 69 Stat. 322, 42 U.S.C.— **USC** 7401 to ~~7431, 7470 to 7479, 7491 to 7492, 7501 to~~

1 ~~7509a, 7511 to 7515, 7521 to 7525, 7541 to 7545, 7547 to 7550, 7552~~
 2 ~~to 7554, 7571 to 7574, 7581 to 7590, 7601 to 7612, 7614 to 7617,~~
 3 ~~7619 to 7622, 7624 to 7627, 7641 to 7642, 7651 to 7651o, 7661 to~~
 4 ~~7661f, and 7671 to 7671q~~ and the regulations promulgated under
 5 that act.

6 (B) "CLEAN WATER ACT" MEANS 33 USC 1251 TO 1387.

7 (C) "MICHIGAN ECONOMIC DEVELOPMENT CORPORATION" MEANS THE
 8 PUBLIC BODY CORPORATE CREATED UNDER SECTION 28 OF ARTICLE VII OF
 9 THE STATE CONSTITUTION OF 1963 AND THE URBAN COOPERATION ACT OF
 10 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512, BY A CONTRACTUAL
 11 INTERLOCAL AGREEMENT EFFECTIVE APRIL 5, 1999, AS AMENDED, BETWEEN
 12 LOCAL PARTICIPATING ECONOMIC DEVELOPMENT CORPORATIONS FORMED UNDER
 13 THE ECONOMIC DEVELOPMENT CORPORATIONS ACT, 1974 PA 338, MCL
 14 125.1601 TO 125.1636, AND THE MICHIGAN STRATEGIC FUND. IF THE
 15 MICHIGAN ECONOMIC DEVELOPMENT CORPORATION IS UNABLE FOR ANY REASON
 16 TO PERFORM ITS DUTIES UNDER THIS PART, THOSE DUTIES MAY BE
 17 EXERCISED BY THE MICHIGAN STRATEGIC FUND.

18 (D) ~~—(b)—~~ "Office" means the office of the small business
 19 ~~clean air~~ ENVIRONMENTAL ombudsman.

20 (E) ~~—(c)—~~ "Ombudsman" means the small business ~~clean air~~
 21 ENVIRONMENTAL ombudsman.

22 (F) ~~—(d)—~~ "Program" means the small business ~~clean air~~
 23 ENVIRONMENTAL assistance program.

24 (G) ~~—(e)—~~ "Small business" means a business that is
 25 independently owned and operated and that is not dominant in its
 26 field as defined in 13 ~~C.F.R.~~ CFR 121 and, unless adjusted as
 27 authorized under this section or section 5702, is a stationary

1 source that meets all of the following requirements:

2 (i) Is owned or operated by a person that employs 100 or fewer
3 individuals.

4 (ii) Is a small business concern as defined in the small
5 business act, Public Law 85-536, 72 Stat. 384.

6 ~~—— (iii) Is not a major stationary source as defined in Titles I~~
7 ~~and III of the clean air act or is a major stationary source as~~
8 ~~defined in Titles I and III of the clean air act because of its~~
9 ~~location in a nonattainment area.~~

10 ~~—— (iv) Emits less than 50 tons per year of any air contaminant or~~
11 ~~air pollutant regulated pursuant to part 55 or the clean air act.~~

12 ~~—— (v) Emits less than 75 tons per year of all air contaminants~~
13 ~~or air pollutants regulated pursuant to part 55 or the clean air~~
14 ~~act.~~

15 Sec. 5702. ~~—(1) Upon petition by a source, the department may,~~
16 ~~after notice and opportunity for public comment, include as a small~~
17 ~~business stationary source for purposes of this section any~~
18 ~~stationary source that does not meet the criteria of subparagraph~~
19 ~~(iii), (iv), or (v) of section 5701(c) but which does not emit more~~
20 ~~than 100 tons per year of all air contaminants and air pollutants~~
21 ~~regulated pursuant to part 55 or the clean air act.~~

22 ~~—— (2) The department~~ **MICHIGAN ECONOMIC DEVELOPMENT**
23 **CORPORATION**, in consultation with the administrator of the United
24 States environmental protection agency and the administrator of the
25 United States small business administration and after providing
26 notice and opportunity for public hearing, may exclude from the
27 small business ~~stationary source~~ definition any category or

1 subcategory of sources that the state determines to have sufficient
2 technical and financial capabilities to meet the requirements of
3 **PART 31 AND** the clean air act and part 55 without the application
4 of this part.

5 Sec. 5703. (1) The office of the small business ~~clean air~~
6 **ENVIRONMENTAL** ombudsman is created within the ~~department of~~
7 ~~commerce~~ **MICHIGAN ECONOMIC DEVELOPMENT CORPORATION**. The office
8 shall exercise its powers and duties independently of any state
9 department or entity.

10 (2) The principal executive officer of the office is the small
11 business ~~clean air~~ **ENVIRONMENTAL** ombudsman, who shall be
12 appointed by the governor.

13 Sec. 5704. The office of the ombudsman is responsible for
14 assessing and ensuring that the goals of the program are being met
15 and in addition shall coordinate or do all of the following:

16 (a) Conduct independent evaluations of all aspects of the
17 program.

18 (b) Review and provide comments and recommendations to the
19 United States environmental protection agency and ~~state and local~~
20 ~~air pollution control authorities~~ **THE DEPARTMENT OF ENVIRONMENTAL**
21 **QUALITY** regarding the development and implementation of **AIR AND**
22 **WATER POLLUTION** requirements that impact small businesses.

23 (c) Facilitate and promote the participation of small
24 businesses in the development of rules that impact small
25 businesses.

26 (d) Assist in providing reports to the governor and
27 legislature and the public regarding the applicability of the

1 requirements of this part, **PART 31, AND** part 55 — and the clean
2 air act to small business.

3 (e) Aid in the dissemination of information, including, but
4 not limited to, air **AND WATER** pollution requirements and control
5 technologies, to small businesses and other interested parties.

6 (f) Participate in or sponsor meetings and conferences with
7 state and local regulatory officials, industry groups, and small
8 business representatives.

9 (g) Aid in investigating and resolving **AIR OR WATER POLLUTION**
10 **RELATED** complaints and disputes from small businesses against the
11 ~~state or local air pollution control authorities, or both~~
12 **DEPARTMENT OF ENVIRONMENTAL QUALITY.**

13 (h) Periodically review the work and services provided by the
14 program with trade associations and representatives of small
15 business.

16 (i) Refer small businesses to the appropriate specialist in
17 the program where they may obtain information and assistance on
18 affordable alternative technologies, process changes, and products
19 and operational methods to help reduce air **AND WATER** pollution and
20 accidental releases.

21 (j) Arrange for and assist in the preparation of guideline
22 documents by the program and ensure that the language is readily
23 understandable by laypersons.

24 (k) Work with trade associations and small businesses to bring
25 about voluntary compliance with **PART 31 AND** the clean air act and
26 part 55.

27 (l) Work with regional and state offices of the small business

1 administration, the United States department of commerce and ~~state~~
 2 ~~department of commerce~~ **THE MICHIGAN ECONOMIC DEVELOPMENT**
 3 **CORPORATION**, and other federal and state agencies that may have
 4 programs to financially assist small businesses in need of funds to
 5 comply with environmental requirements.

6 (m) Work with private sector financial institutions to assist
 7 small businesses in locating sources of funds to comply with state
 8 ~~and local~~ air **AND WATER** pollution control requirements.

9 (n) Conduct studies to evaluate the impacts of **PART 31 AND OF**
 10 the clean air act and part 55 on the state's economy, local
 11 economies, and small businesses.

12 (o) Work with other states to establish a network for sharing
 13 information on small businesses and their efforts to comply with
 14 the **CLEAN WATER ACT, THE** clean air act, and the pertinent **WATER AND**
 15 air pollution act for their state.

16 (p) Make recommendations to the department and the legislature
 17 concerning the reduction of any fee required under **PART 31 OR** the
 18 clean air act or part 55 to take into account the financial
 19 resources of small businesses.

20 Sec. 5705. The program is created in the ~~department of~~
 21 ~~commerce~~ **MICHIGAN ECONOMIC DEVELOPMENT CORPORATION**. The program
 22 shall develop adequate mechanisms for all of the following:

23 (a) Developing, collecting, and coordinating information on
 24 compliance methods and technologies for small businesses.

25 (b) Encouraging lawful cooperation among small businesses and
 26 other persons to further compliance with **PART 31 AND** the clean air
 27 act and part 55.

1 (c) Assisting small business with information regarding
2 pollution prevention and accidental release detection and
3 prevention, including, but not limited to, providing information
4 concerning alternative technologies, process changes, and products
5 and methods of operation that help reduce **WATER AND** air pollution.

6 (d) Establishing a compliance assistance program that assists
7 small businesses in determining applicable requirements for
8 compliance and the procedures for obtaining permits efficiently in
9 a timely manner under **PART 31 OR** the clean air act or part 55. —
10 ~~or both.~~

11 (e) Providing mechanisms and access to information so that
12 small businesses receive notification of their rights under **PART 31**
13 **AND** the clean air act and part 55 in a manner and form that assures
14 reasonably adequate time for small businesses to evaluate their
15 compliance methods or applicable proposed or final rules or
16 standards under **PART 31 AND** the clean air act and part 55.

17 (f) Informing small businesses of their obligations under **PART**
18 **31 AND** the clean air act and part 55, including mechanisms for
19 referring small businesses to qualified auditors or to the state if
20 the state elects to provide audits to determine compliance with
21 **PART 31 OR** the clean air act and part 55. To the extent permissible
22 by state and federal law, audits shall be separate from the formal
23 inspection and compliance program.

24 (g) Providing information on how to obtain consideration from
25 the department **OF ENVIRONMENTAL QUALITY** on requests from small
26 businesses for modifications of any work practice, technological
27 method of compliance, or the schedule of milestones for reductions

1 of **DISCHARGES OR** emissions preceding an applicable compliance date.

2 Sec. 5706. Upon request, the ombudsman shall be given access
3 to all information, records, and documents in the possession of the
4 ~~commission~~ **MICHIGAN ECONOMIC DEVELOPMENT CORPORATION** and the
5 department **OF ENVIRONMENTAL QUALITY** that the ombudsman considers
6 necessary to fulfill the responsibilities of the office other than
7 information described in section 13 of the freedom of information
8 act, ~~Act No. 442 of the Public Acts of 1976, being section 15.243~~
9 ~~of the Michigan Compiled Laws~~ **1976 PA 442, MCL 15.243**. The
10 ~~commission~~ **MICHIGAN ECONOMIC DEVELOPMENT CORPORATION** and the
11 department **OF ENVIRONMENTAL QUALITY** shall also assist the ombudsman
12 in fulfilling his or her responsibilities under this part.

13 Sec. 5707. Information obtained by the office or the program
14 from small businesses that utilize their services shall be held in
15 confidence by those employed by the office or the program to the
16 extent authorized under the freedom of information act, ~~Act No.~~
17 ~~442 of the Public Acts of 1976, being sections 15.231 to 15.246 of~~
18 ~~the Michigan Compiled Laws~~ **1976 PA 442, MCL 15.231 TO 15.246**,
19 including, but not limited to, those provisions pertaining to
20 exemptions from disclosure for trade secrets and commercial and
21 financial information.

22 Sec. 5708. (1) The small business ~~clean air~~ **ENVIRONMENTAL**
23 compliance advisory panel is created within the program.

24 (2) The advisory panel shall be broadly representative of the
25 regulated small business community and shall include women members
26 and members who are minorities. The advisory panel shall consist of
27 the following members:

1 (a) Two members appointed by the governor to represent the
2 general public and who are not owners or representatives of owners
3 of small ~~business stationary sources~~ **BUSINESSES REGULATED UNDER**
4 **PART 31 OR 55.**

5 (b) One member appointed by the republican leader of the
6 senate who is an owner or a representative of owners of small
7 ~~business stationary sources~~ **BUSINESSES REGULATED UNDER PART 31 OR**
8 **55.**

9 (c) One member appointed by the democratic leader of the
10 senate who is an owner or a representative of owners of small
11 ~~business stationary sources~~ **BUSINESSES REGULATED UNDER PART 31 OR**
12 **55.**

13 (d) One member appointed by the republican leader of the house
14 of representatives who is an owner or a representative of owners of
15 small ~~business stationary sources~~ **BUSINESSES REGULATED UNDER PART**
16 **31 OR 55.**

17 (e) One member appointed by the democratic leader of the house
18 of representatives who is an owner or a representative of owners of
19 small ~~business stationary sources~~ **BUSINESSES REGULATED UNDER PART**
20 **31 OR 55.**

21 (f) One member appointed by the department.

22 (3) Members of the advisory panel shall serve for terms of 4
23 years, or until a successor is appointed, whichever is later.
24 However, of the members first appointed, the members appointed by
25 the governor shall serve for 3 years, the members appointed by the
26 senate shall serve for 1 year, and the members appointed by the
27 house of representatives and the member appointed by the department

1 shall serve for 2 years.

2 (4) If a vacancy occurs on the advisory panel, the governor,
3 the department, or the appropriate legislative leader who made the
4 appointment shall make an appointment for the unexpired term in the
5 same manner as the original appointment.

6 (5) ~~The first meeting of the advisory panel shall be called~~
7 ~~within 90 days of the appointment of all advisory panel members. At~~
8 ~~the first meeting the~~ **THE** advisory panel shall elect from among
9 its members a chairperson and other officers as it considers
10 necessary or appropriate.

11 (6) A majority of the members of the advisory panel
12 constitutes a quorum for the transaction of business at a meeting
13 of the advisory panel. A majority of the members present and
14 serving are required for official action of the advisory panel.

15 (7) Members of the advisory panel shall serve without
16 compensation. However, members of the advisory panel may be
17 reimbursed for their actual and necessary expenses incurred in the
18 performance of their official duties as members of the advisory
19 panel.

20 (8) The advisory panel shall do all of the following:

21 (a) Consult with the ombudsman and the head of the program to
22 plan the work of the panel, including the frequency of meetings,
23 agenda items, and reports to be issued by the panel.

24 (b) Determine whether the program should utilize private
25 contractors hired by the program or utilize expertise within the
26 program, or both, to meet the requirements of this part that
27 pertain to providing technical assistance to small businesses.

1 (c) Prepare advisory reports concerning all of the following:

2 (i) The effectiveness of the office and program.

3 (ii) The difficulties encountered and degree and severity of
4 enforcement of ~~part~~ **PARTS 31 AND 55**.

5 (iii) The costs of operating the office and the program.

6 (iv) The average costs of different categories of small
7 businesses in complying with the **WATER AND** air quality enforcement
8 ~~program~~ **PROGRAMS** of this state.

9 (d) Periodically report to the administrator of the United
10 States environmental protection agency regarding compliance by the
11 program with the broad intent of all of the following acts as may
12 be applicable:

13 (i) ~~Chapter 35 of title 44 of the United States Code, 44~~
14 ~~U.S.C.~~ **44 USC** 3501 to 3520, relating to paperwork reduction.

15 (ii) ~~Sections 601 to 612 of title 5 of the United States Code,~~
16 ~~5 U.S.C.~~ **5 USC** 601 to 612, relating to regulatory flexibility.

17 (iii) ~~Section 504 of title 5 of the United States Code, 5~~
18 ~~U.S.C.~~ **5 USC** 504, and ~~section 2412 of title 28 of the United~~
19 ~~States Code, 28 U.S.C.~~ **28 USC** 2412, relating to equal access to
20 justice.

21 (e) Review information prepared by the program for small
22 businesses to assure that the information is understandable to
23 laypersons.

24 (f) Utilize the program to act as staff to develop and
25 disseminate the work product of the advisory panel.

26 (9) The advisory panel shall provide copies of advisory
27 reports prepared by the advisory panel to the United States

1 environmental protection agency, the department **OF ENVIRONMENTAL**
2 **QUALITY**, the legislature, and the ~~department of commerce~~ **MICHIGAN**
3 **ECONOMIC DEVELOPMENT CORPORATION**. In addition, the reports shall be
4 made available to any person upon request.