



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 439 (as reported without amendment)  
Sponsor: Senator Roger Kahn, M.D.  
Committee: Economic Development and Regulatory Reform

## **CONTENT**

The bill would add Part 27 (Program Review) to the Natural Resources and Environmental Protection Act (NREPA) to do all of the following:

- Require the Department of Natural Resources (DNR), the Department of Environmental Quality (DEQ), and other State departments to hire someone to perform benchmark analyses or arrange for independent peer review of programs administered under NREPA.
- Require each department to complete two analyses or reviews by February 1, 2010, and then annually, until all programs were analyzed or reviewed.
- Require the DEQ to complete an analysis or review of two specific programs by February 1, 2010.
- Create the NREPA Program Review Panel to assist a person performing a benchmark analysis or peer review under the bill, and dissolve the panel as of July 1, 2014.

A person could not be selected to perform a benchmark analysis or peer review unless he or she had a proven ability to evaluate regulatory activities and make recommendations for improvement.

By February 1, 2010, the DEQ would have to complete a benchmark analysis or peer review of both the remediation program under Part 201 (Environmental Remediation) and the National Pollutant Discharge Elimination System (NPDES) program under Part 31 (Water Resources Protection). The DEQ would have to select a person or persons to perform the benchmark analyses or arrange for the independent, external peer reviews for these programs by June 1, 2009.

An analysis or peer review for the DEQ would have to include: a calculation of the DEQ's per-permit cost to process the permits and administer the program; a review of the timeliness of the process from receipt of a permit application to its approval or denial; a review of customer service practices; a review of measurable environmental impacts; and, for the Part 31 and Part 201 programs, a comparison of the DEQ's performance to that of other Great Lakes states.

Proposed MCL 324.2701-324.2705

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bill would result in additional administrative workloads for State departments. A specific cost estimate is not available.

Date Completed: 6-12-09

Fiscal Analyst: Bruce Baker  
Bill Bowerman