

SENATE BILL NO. 26

January 18, 2023, Introduced by Senators CHANG, WOJNO, GEISS, BAYER, ANTHONY and SHINK and referred to the Committee on Energy and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 5534.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 **Sec. 5534. (1) As used in this section:**
2 **(a) "AQEM fund" means the air quality enforcement and**
3 **mitigation fund created in subsection (2).**
4 **(b) "Environmental protection community" means a geographic**
5 **area that the department of environment, Great Lakes, and energy,**

1 using tools such as the United States Environmental Protection
2 Agency's EJSCREEN, has identified as a community facing a
3 disproportionate environmental burden using indicators such as
4 sensitive populations, socioeconomic factors, exposures, and
5 environmental effects.

6 (2) The air quality enforcement and mitigation fund is created
7 within the state treasury. All civil and administrative fines
8 collected under this part shall be deposited into the AQEM fund.
9 The state treasurer may receive money or other assets from any
10 source for deposit into the AQEM fund. The state treasurer shall
11 direct the investment of the AQEM fund. The state treasurer shall
12 credit to the AQEM fund interest and earnings from fund
13 investments. Money in the AQEM fund at the close of the fiscal year
14 shall remain in the AQEM fund and shall not lapse to the general
15 fund. The department of environment, Great Lakes, and energy shall
16 be the administrator of the AQEM fund for auditing purposes.

17 (3) The department of environment, Great Lakes, and energy
18 shall expend money from the AQEM fund, upon appropriation, only as
19 follows:

20 (a) Thirty percent of the money shall be expended for staffing
21 and other functions of the department that benefit environmental
22 protection communities and are related to 1 or more of the
23 following:

24 (i) Mitigation of air pollution, such as by buffering with
25 vegetation, optional residential buyouts, air filters in homes and
26 schools, and diesel engine retrofit or replacement programs.

27 (ii) Increased air monitoring.

28 (iii) Improved compliance by persons with a history of
29 violations of this part or permits issued or rules promulgated

1 under this part including, but not limited to, training for
2 environmental regulators or prosecuting attorneys.

3 (b) Seventy percent of the money shall be expended for grants
4 under subsection (4) for 1 or more of the following purposes in the
5 communities where the violations occurred or nearby communities,
6 particularly environmental protection communities:

7 (i) The purposes described in subdivision (a) (i) and (ii).

8 (ii) Health impact assessments.

9 (iii) Education and training programs for community residents
10 and local environmental regulators to increase effectiveness of
11 enforcement programs in deterring violations of this part and rules
12 promulgated or orders issued under this part.

13 (4) The department of environment, Great Lakes, and energy
14 shall establish an air quality community impact grant program. The
15 program shall provide grants to nonprofit entities, local health
16 departments, local environmental departments, and school districts
17 to carry out the purposes of subsection (3) (b).

18 (5) The department of environment, Great Lakes, and energy
19 shall promulgate rules to implement subsection (4). At a minimum,
20 the rules shall describe how grants are to be allocated, the
21 procedures for applying for grants, the criteria for awarding
22 grants, and administrative and fiscal requirements governing the
23 receipt and expenditure of grants. The department shall promulgate
24 the rules in consultation with an advisory committee that includes,
25 but is not limited to, at least 1 of each of the following:

26 (a) A public health expert.

27 (b) A representative of an environmental justice organization.

28 (c) A representative of the department of health and human
29 services.

1 (d) A representative of a local health department or local
2 environmental department.

3 (e) Two residents of environmental protection communities.

4 (6) The department of environment, Great Lakes, and energy, in
5 collaboration with environmental interest groups, shall develop a
6 process to identify environmental protection communities. The
7 identification process shall include community engagement to obtain
8 information and feedback. Within 150 days after census block data
9 from a decennial census becomes publicly available, the department
10 shall identify environmental protection communities.

11 (7) The department of environment, Great Lakes, and energy
12 shall post on its website and otherwise make publicly available an
13 annual report on the purposes for which grants were awarded under
14 subsection (3) (b), including the communities affected.

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.