

DEPARTMENT OF ENVIRONMENTAL, GREAT LAKES, AND ENERGY
Summary of FY 2022-23 Enacted
Public Act 166 of 2022 (House Bill 5783, Article 4)

Analyst: Austin Scott

	FY 2021-22 YTD as of 2/9/22	FY 2022-23 Enacted	Difference: Enacted From FY 2021-22 YTD	
			Amount	%
IDG/IDT	\$3,544,900	\$3,406,400	(\$138,500)	(3.9)
Federal	226,889,200	287,641,700	60,752,500	26.8
Local	0	0	0	--
Private	1,411,200	1,415,500	4,300	0.3
Restricted	304,550,000	337,354,900	32,804,900	10.8
GF/GP	153,375,400	98,835,800	(54,539,600)	(35.6)
Gross	\$689,770,700	\$728,654,300	\$38,883,600	5.6
FTEs	1,467.0	1,516.0	49.0	3.3

Notes:

- (1) FY 2021-22 year-to-date figures include mid-year budget adjustments through February 9, 2022.
- (2) Appropriation figures for all years include all proposed appropriation amounts, including amounts designated as "one-time."

Overview

The Department of Environment, Great Lakes, and Energy (EGLE) is responsible for managing Michigan's air, land, water, and energy resources. Departmental functions include improving resource quality, reducing waste, and mitigating threats to Michigan's environment.

Major Budget Changes from FY 2021-22 YTD Appropriations

		FY 2021-22 Year-to-Date (as of 2/9/22)	FY 2022-23 Enacted Change
1. Community Technical, Managerial, and Financial Support for Lead Line Replacement (One-Time)	Gross	NA	\$48,000,000
Provides \$48.0 million in federal Coronavirus State Fiscal Recovery Fund for local grants to replace lead service lines and upgrade water treatment facilities; preference for disadvantaged communities.	Federal	NA	48,000,000
	GF/GP	NA	\$0
2. Oil, Gas, and Mineral Services – Federal Infrastructure Act IJA	FTE	59.0	0.0
Appropriates \$31.0 million of federal Infrastructure Act funding and authorizes 2.0 FTE positions on a limited-term basis in section 925 for remediation of orphaned oil and gas wells.	Gross	\$11,630,900	\$31,000,000
	IDG	220,000	0
	Federal	150,000	31,000,000
	Restricted	6,879,900	0
	GF/GP	\$4,381,000	\$0
3. Environmental Sustainability and Stewardship – Federal Infrastructure Act IJA	FTE	11.0	0.0
Appropriates \$15.8 million of federal Infrastructure Act funding and authorizes 5.0 FTE positions on a limited-term basis in section 902 for energy efficiency projects.	Gross	\$6,224,000	\$15,800,000
	Federal	3,806,700	15,800,000
	Private	140,000	0
	Restricted	2,277,300	0
	GF/GP	\$0	\$0
4. Energy Efficiency Revolving Fund – Federal Infrastructure Act IJA	Gross	NA	\$7,200,000
Appropriates \$7.2 million of federal Infrastructure Act funding for energy efficiency projects.	Federal	NA	7,200,000
	GF/GP	NA	\$0
5. High Water Infrastructure Grants (One-Time)	Gross	\$14,325,000	(\$14,325,000)
Eliminates \$14.3 million GF/GP once used for infrastructure grants to address flooding, erosion, and other coastal issues.	GF/GP	\$14,325,000	(\$14,325,000)

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		FY 2021-22 Year-to-Date (as of 2/9/22)	FY 2022-23 Enacted Change
Major Budget Changes from FY 2021-22 YTD Appropriations			
6. Environmental Health	FTE	57.0	0.0
Appropriates \$7.9 million Gross (\$6.2 million GF/GP) to strengthen water supply oversight and support local health departments in monitoring and testing drinking water; also aligns authorization with available federal and restricted funding.	Gross	\$7,351,600	\$7,917,900
	Federal	3,382,000	1,500,000
	Restricted	1,431,000	250,000
	GF/GP	\$2,538,600	\$6,167,900
7. NPDES Nonstormwater Program	FTE	98.0	7.0
Appropriates \$1.2 million GF/GP and authorizes 7.0 FTE positions to strengthen water supply oversight and support local health departments in monitoring and testing drinking water.	Gross	\$15,222,700	\$1,190,000
	Federal	6,865,500	0
	Restricted	4,294,200	0
	GF/GP	\$4,063,000	\$1,190,000
8. Drinking Water	FTE	68.0	7.0
Appropriates \$1.8 million GF/GP and authorizes 7.0 FTE positions to strengthen water supply oversight and support local health departments in monitoring and testing drinking water.	Gross	\$11,915,600	\$1,799,900
	Federal	6,343,900	0
	Restricted	3,199,100	0
	GF/GP	\$2,372,600	\$1,799,900
9. Air Quality Programs	FTE	187.0	15.0
Appropriates \$4.4 million GF/GP and authorizes 15.0 FTE positions to expand air quality monitoring staff and operations, and to reduce permit review wait times.	Gross	\$30,416,600	\$4,439,800
	Federal	7,493,200	0
	Restricted	14,807,400	0
	GF/GP	\$8,116,000	\$4,439,800
10. Grants and Records Management	FTE	NA	4.0
Appropriates \$2.9 million GF/GP and authorizes 4.0 FTE positions to create new program to digitize and manage departmental grants and records; \$2.0 million GF/GP is appropriated on a one-time basis.	Gross	NA	\$2,935,400
	GF/GP	NA	\$2,935,400
11. Radiological Protection Program – Legacy Cleanups	FTE	12.0	0.0
Appropriates \$175,000 GF/GP to cleanup legacy contaminated sites and reduces \$200,000 interdepartmental grant received from Michigan State Police for a net reduction of \$25,000 Gross.	Gross	\$2,035,500	(\$25,000)
	IDG	1,720,500	(200,000)
	Federal	315,000	0
	GF/GP	\$0	\$175,000
12. Environmental Cleanup and Redevelopment Program – Legacy Cleanups	Gross	NA	\$27,600,000
Establishes new program by appropriating \$27.6 million from the Cleanup and Redevelopment Fund to cleanup legacy contaminated sites.	Restricted	NA	27,600,000
	GF/GP	NA	\$0
13. Refined Petroleum Product Cleanup Program (One-Time) – Legacy Cleanups	FTE	99.0	0.0
Appropriates \$19.2 million from the Refined Petroleum Fund to cleanup legacy contaminated sites.	Gross	\$35,123,600	\$19,170,900
	Federal	2,105,100	0
	Restricted	33,018,500	19,170,900
	GF/GP	\$0	\$0
14. Contaminated Site Investigations, Cleanup, and Revitalization– Legacy Cleanups	FTE	130.0	16.0
Appropriates \$2.4 million from the Cleanup and Redevelopment Fund and authorizes 16.0 FTE positions to cleanup legacy contaminated sites.	Gross	\$19,079,000	\$2,393,100
	Restricted	18,784,400	2,393,100
	GF/GP	\$294,600	\$0
15. Municipal Assistance	FTE	29.0	0.0
Appropriates \$1.4 million Gross (\$0 GF/GP) and authorizes 4.0 FTE positions on a limited-term basis in section 950 to increase loan processing staff and access to federal water infrastructure loans for local communities.	Gross	\$5,007,600	\$1,407,700
	Federal	3,272,900	1,200,000
	Restricted	1,734,700	207,700
	GF/GP	\$0	\$0

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<u>Major Budget Changes from FY 2021-22 YTD Appropriations</u>		FY 2021-22 Year-to-Date (as of 2/9/22)	FY 2022-23 Enacted Change
16. Hazardous Waste Management Program	FTE	45.0	0.0
Appropriates \$200,000 in available restricted revenue from technologically enhanced naturally occurring radioactive material.	Gross	\$5,926,800	\$200,000
	Federal	2,315,600	0
	Restricted	3,511,200	200,000
	GF/GP	\$100,000	\$0
17. Environmental Cleanup Support	Gross	\$30,300,000	(\$29,300,000)
Reduces \$29.3 million from the Environmental Response Fund that is no longer needed to perform contaminated site cleanup at former Premcor Refining Group gas station sites.	Restricted	30,300,000	(29,300,000)
	GF/GP	\$0	\$0
18. Septage Waste Compliance Grants	Gross	\$275,000	(\$150,000)
Reduces \$150,000 from the Septage Waste Program Fund to align appropriation authority with available revenue.	Restricted	275,000	(150,000)
	GF/GP	\$0	\$0
19. Removal of FY 2021-22 One-Time Funding	Gross	\$92,750,100	(\$92,750,100)
Removes \$92.8 million Gross (\$47.8 million GF/GP) for one-time programs included in the FY 2021-22 budget. Programs included the Contaminated Site Emergency Reserve Fund, Drinking Water Emergency Assistance, Harbor Site Environmental Cleanup, Lead Line Replacement, PFAS Remediation, Sustainable Business Park, Wastewater Retention Basin, and Water Infrastructure Improvements for the Nation Act.	Federal	45,000,000	(45,000,000)
	Restricted	100	(100)
	GF/GP	\$47,750,000	(\$47,750,000)
20. Dam Safety Emergency Action Fund	Gross	\$6,000,000	(\$6,000,000)
Eliminates \$6.0 million GF/GP once used to respond to dam emergencies where the owner has not adequately maintained their dam.	GF/GP	\$6,000,000	(\$6,000,000)
21. Dam Safety Grant Program (One-Time)	Gross	\$13,000,000	(\$13,000,000)
Eliminates \$13.0 million GF/GP once used to establish grants to address imminent threats or significant risks at publicly-owned or privately-owned dams.	GF/GP	\$13,000,000	(\$13,000,000)
22. Michigan Geological Survey	Gross	NA	\$3,000,000
Appropriates \$3.0 million GF/GP to the Michigan Geological Survey to conduct data collection and mapping of data.	GF/GP	NA	\$3,000,000
23. Disposal of firefighting foam containing PFAS (One-Time)	Gross	NA	\$500,000
Appropriates \$500,000 GF/GP to dispose of firefighting foam containing PFAS.	GF/GP	NA	\$500,000
24. Cooperative Lakes Monitoring Program (One-Time)	Gross	NA	\$150,000
Appropriates \$150,000 GF/GP to support the continuation of EGLE's contract for the Cooperative Lakes Monitoring Program.	GF/GP	NA	\$150,000
25. Private Well Testing (One-Time)	Gross	NA	\$5,000,000
Appropriates \$5.0 million GF/GP for grants to local health departments to provide free or low-cost water testing to private well owners.	GF/GP	NA	\$5,000,000
26. Buffalo Reef (One-Time)	Gross	NA	\$10,000,000
Appropriates \$10.0 million from the Cleanup and Redevelopment Fund to build a coal dock jetty for the dredging of stamp sands from Lake Superior in Keweenaw County.	Restricted	NA	10,000,000
	GF/GP	NA	\$0
27. Economic Adjustments	Gross	NA	\$4,729,000
Reflects increased costs of \$4.7 million Gross (\$1.2 million GF/GP) for negotiated salary and wage increases (5.0% on October 1, 2022 and 0.5% to annualize the FY 2021-22 1.0% increase that began on April 1, 2022), actuarially required retirement contributions, worker's compensation, building occupancy charges, and other economic adjustments.	IDG	NA	61,500
	Federal	NA	1,052,500
	Private	NA	4,300
	Restricted	NA	2,433,300
	GF/GP	NA	\$1,177,400

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Major Boilerplate Changes from FY 2021-22

Sec. 207. Disciplinary Action Against State Employees – RETAINED (UNENFORCEABLE)

Prohibits department from disciplining state employees for communicating with members of the legislature and their staffs, unless communication is prohibited by law. *(Governor's signing letter states this section is unenforceable.)*

Sec. 218. Remote Working – NEW

States legislative intent to prioritize in-person work for the state's workforce where possible unless they were working remotely prior to February 28, 2020.

Sec. 219. State Administrative Board Transfers – RETAINED (UNENFORCEABLE)

Authorizes legislature to adopt a concurrent resolution to intertransfer funds within the department's budget if the State Administrative Board transfers appropriated funds. *(Governor's signing letter states this section is unenforceable.)*

Sec. 224. Expending Available Work Project Authorization – RETAINED (UNENFORCEABLE)

Advises department not to expend appropriations until existing work project authorization for the same purpose has been expended. *(Governor's signing letter states this section is unenforceable.)*

Sec. 225. Appropriations for Environmental Cleanup Projects – REVISED (UNENFORCEABLE)

Re-appropriates unspent funding from Cleanup and Redevelopment Fund, Leaking Underground Storage Tank funding, bottle deposits funding, CMI – Response Activities Fund, Brownfield Grants and Loans, Waterfront Grants, and Strategic Water Quality Initiatives Fund for expenditure for any site listed in an appropriation act. Revised to add Contaminated Site Cleanup and Renew Michigan Program to the list of re-appropriations; designates unexpended and unencumbered amounts from the Renew Michigan Fund and from FY 2021-22 General Fund appropriations as "appropriated for expenditure."*(Governor's signing letter states this section is unenforceable.)*

Sec. 226. Settlement Fund Revenue Carryforward – REVISED

Authorizes carryforward of up to \$2.5 million of settlement revenues into succeeding fiscal year. Revised to remove the \$2.5 million cap.

Sec. 237. Employee Legal Costs Related to Drinking Water Declaration of Emergency – RETAINED (UNENFORCEABLE)

Requires department to be responsible for payment of current and former department employees' legal costs from legal actions taken related to drinking water declaration of emergency. *(Governor's signing letter states this section is unenforceable.)*

Sec. 241. Rules and Regulations Federal Standard – DELETED

Prohibits the department from establishing rules and regulations more stringent than federal standards.

Sec. 242. Legislator Notification – NEW

Requires the department to inform local state legislators within 12 hours when responding to significant incidents to protect life and property.

Sec. 243. Michigan Geological Survey – NEW

Directs expenditure of funding for the Michigan Geological Survey to be used to conduct data collection and mapping to expand geologic information.

Sec. 303. Contaminated Site Investigations Legacy Cleanups Staff – NEW

Earmarks 16.0 FTE positions of Contaminated Site Investigations appropriation for legacy cleanups.

Sec. 308. Work Projects – Emergency Cleanup Actions and Refined Petroleum Product Cleanup Program – REVISED

Authorizes unexpended funds appropriated for Emergency Cleanup Actions, Emergency Cleanup Support, and Refined Petroleum Product Cleanup Program to be considered work project appropriations and carried forward into succeeding fiscal year; program will perform contaminated site cleanups. Revised to designate Environmental Cleanup Support and Brownfields Grants as work projects.

Sec. 312. Work Project – Environmental Cleanup Support – DELETED

Authorizes unexpended funds appropriated for Environmental Cleanup Support to be considered work project appropriations and carried forward into succeeding fiscal year; program will perform contaminated site cleanup at former Premcor Refining Group gas station sites.

Major Boilerplate Changes from FY 2021-22

Sec. 314. Geographically Proximate Cleanups – NEW

Encourages the department to remediate contaminated sites in geographically proximate areas when possible.

Sec. 315. Environmental Response Fund and Natural Resource Damage Fund Receive and Expend – NEW

Authorizes expenditure of funds from the Environmental Response Fund or Natural Resource Damage Fund upon receipt as outlined by legal decisions; requires a report on this section's preceding fiscal year's expenditures by February 1.

Sec. 351. Superfund Cleanup – DELETED

Earmarks \$10.0 million of appropriation to be used for contaminated site cleanup at the Spartan Chemical site in Kent County; designates unexpended funding as a work project appropriation.

Sec. 411. Chapaton Treatment Lagoon Report – DELETED

Requires department to report information and materials needed to permit and regulate Chapaton open-air wastewater treatment lagoon in Macomb County.

Sec. 801. Work Project – Renew Michigan Program – NEW

Authorizes unexpended funds appropriated for the Renew Michigan Program to be considered a work project appropriation and carried forward into succeeding fiscal year; program will support environmental cleanup and redevelopment, waste management, and recycling.

Sec. 902. Limited Term FTEs – Environmental Sustainability and Stewardship – NEW

Authorizes 5.0 limited term FTE positions from the Environmental Sustainability and Stewardship appropriation to issue energy efficiency grants to communities.

Sec. 925. Limited Term FTEs – Oil, Gas, and Mineral Services – NEW

Authorizes 2.0 limited term FTE positions from the Oil, Gas, and Minerals appropriation to close abandoned gas and oil wells.

Sec. 950. FTE Earmark – Municipal Assistance – NEW

Earmarks 4.0 federally-funded FTE positions from the Municipal Assistance appropriation to review and approve clean water and wastewater grants and loans.

Sec. 1001. ARP – Community Technical, Managerial, and Financial Support for Lead Line Replacement – NEW

Encourages the department to work with MDARD to coordinate technical assistance to communities.

Sec. 1002. Work Project – Buffalo Reef – NEW

Authorizes unexpended funds for Buffalo Reef totaling \$10.0 million to be considered a work project appropriation and carried forward into succeeding fiscal year; funds will be used to build a coal dock jetty for the dredging of stamp sands from Lake Superior in Keweenaw County.

Sec. 1003. Dam Safety Grant Program – DELETED

Directs expenditure of the Dam Safety Grant Program for projects to mitigate risky dams; requires annual report on program.

Sec. 1004. Private Well Testing – NEW

Directs expenditure of funding for Private Well Testing as grants to local health departments to provide free or low-cost water testing to private well owners; requires report.

Sec. 1004. Dam Safety Emergency Action Fund – DELETED

Directs expenditure of the Dam Safety Emergency Action Fund for EGLE to mitigate risky dams if the dam owner is unwilling or unable to take action; requires annual report on activities of the fund.

Sec. 1005. Water Infrastructure Improvements for the Nation Act – DELETED

Re-establishes the appropriation for the Water Infrastructure Improvements for the Nation program as a work project account; authorizes unspent funds at the end of the fiscal year to be carried forward into the following fiscal year. Funding was originally appropriated in 2017 PA 33.

Sec. 1006. High Water Infrastructure Grants – DELETED

Directs expenditure of funding for High Water Infrastructure Grants for planning and infrastructure grants to local communities for severe weather; caps individual grants at \$500,000 and requires a 20% match.

Sec. 1009. PFAS Remediation – DELETED

Directs expenditure of funding for grants to drinking water systems for PFAS contaminant remediation or alternate water system connection costs; requires report on expenditures.

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Major Boilerplate Changes from FY 2021-22

Sec. 1010. Wastewater Retention Basins – DELETED

Directs expenditure of funding for Wastewater Retention Basins to increase the storage capacity of wastewater retention basins for combined sewer overflows and infrastructure in Macomb County.

Sec. 1011. Harbor Site Environmental Cleanup – DELETED

Directs expenditure of funding for Harbor Site Environmental Cleanup to remediate contaminated soil and mitigate adjacent wetlands in Muskegon.

Sec. 1012. Sustainable Business Park – DELETED

Directs expenditure of funding for Sustainable Business Park to support the infrastructure necessary to develop a sustainable business park to replace the need for new landfills in Kent County.

Sec. 1013. Watershed Council Grants – DELETED

Directs expenditure of funding for Watershed Council Grants for grants to watershed councils for education, administration, and conservation efforts; caps individual grants at \$40,000; requires report on grant recipients and grant amounts by April 1.

Sec. 1014. Lead Service Line Replacements – DELETED

Directs expenditure of funding for Lead Service Line Replacements to replace lead service lines and improve drinking water safety in Benton Harbor; designates appropriation as a work project account.

Sec. 1015. Contaminated Site Cleanup – DELETED

Directs expenditure of funding for Contaminated Site Cleanup for the prioritization and remediation of newly contaminated properties statewide that do not qualify for other cleanup funding; designates appropriation as a work project account.

Sec. 1016. Contaminated Site Cleanup Contingency Reserve Fund – DELETED

Creates a Contaminated Site Cleanup Contingency Reserve Fund and directs expenditure of fund for the prioritization and remediation of newly contaminated properties statewide that do not qualify for other cleanup funding; requires a legislative transfer for expenditure.

Sec. 1017. Contaminated Site Cleanup Contingency Reserve Fund Transfer – DELETED

Designates \$10.0 million to be transferred into the Contaminated Site Cleanup Contingency Reserve Fund as described in Sec. 1016.

Sec. 1018. Drinking Water Emergency Assistance – DELETED

Directs expenditure of funding for Drinking Water Emergency Assistance to address drinking water systems contamination response and remediation; designates appropriation as a work project account.

FY 2021-22 Supplemental Appropriation Items

Public Act 166 of 2022 (House Bill 5783, Article 15)

1. Environmental Sustainability and Stewardship

Appropriates \$6.5 million in available state restricted revenue to provide grants to public and private applicants for community energy management services, clean energy manufacturing, and energy policy initiatives.

	Appropriation Change
Gross	\$6,500,000
Restricted	6,500,000
GF/GP	\$0

FY 2019-20 Supplemental Boilerplate Items

Public Act 166 of 2022 (House Bill 5783, Article 15)

Sec. 451. Environmental Sustainability and Stewardship

Designates unexpended funds as a work project appropriation; program will provide grant assistance to public and private applicants for community energy management services, clean energy manufacturing, and energy policy initiatives.