

House Bills 4293 and 4294
Sponsor: Rep. Hoon-Yung Hopgood
Committee: Land Use and Environment

Complete to 8-20-03

A SUMMARY OF HOUSE BILLS 4293 AND 4294 AS INTRODUCED 2-27-03

The bills would amend the Natural Resources and Environmental Protection Act to modify the permit and license application process for hazardous waste disposal. The bills are tie-barred to each other so that neither could become law unless the other also were enacted. A more detailed explanation of each bill follows.

House Bill 4293 would amend the Natural Resources and Environmental Protection Act (MCL 324.11103 et al) to specify that the department would be prohibited from issuing an operating license for a treatment, storage, or disposal facility that included a multi-source commercial hazardous waste disposal well, unless the applicant had received all other necessary permits under state and federal law to operate the multi-source hazardous waste well. Under the bill, an application for such a disposal well would be required to specify receipt of all necessary federal and state permits. [The bills would retain the current definition of “multi-source commercial hazardous waste disposal well” which is defined in the law to mean a disposal well that receives hazardous waste that is generated by more than one person. Multi-source commercial hazardous waste disposal well does not include a disposal well that receives hazardous waste generated from a subsidiary of the person that owns or operates a hazardous waste disposal well.]

Currently under the law, when a site construction permit application is referred to a site review board by the department, the applicant pays a \$25,000 fee, and that is placed into a revolving fund created in the state treasury. The fund covers the expenses of the site review board members, the chairperson, a mediator, and any other expenses necessary to the deliberation of the board, and if expenses payable from the fund exceed the fee paid by the applicant, the additional expenses are paid from money appropriated by the legislature to the revolving fund. Under House Bill 4293, the fee would increase from \$25,000 to \$50,000. Further, the bill specifies that up to \$10,000 of the fund could be used to reimburse a municipality in which the treatment, storage, or disposal facility was located for expenses to conduct an expert review, critique, and study of the technical information relevant to the application, but the fund could not be used to pay for legal fees to oppose the facility.

Currently the law specifies the duties and timetable for a site review board. The bill would retain all of those provisions and protocols, and expand the board’s responsibilities in four ways. First, currently the board must deliberate on the impact of the proposed treatment, storage, or disposal facility on the municipality in which it is to be located, and make a final determination as to its recommendation to the department regarding the construction permit application. House Bill 4293 would retain this provision, but expand it to specify that the board also would deliberate about how and why the location of the facility was selected, and whether additional

treatment, storage, or disposal capacity was needed for the type of facility that was being proposed. Second, under the law the board must consider, at a minimum, six effects of the proposed facility, such as the risk of a hazardous waste accident, of ground and surface water contamination, of fires or explosions, and the nature of environmental impact, including adverse effects on the natural environment and ecology, public health and safety; scenic, historical, cultural and recreational value; and, water and air quality and wildlife. All of these provisions would be retained, and the bill specifies that the board also would have to consider “the treatment, storage, and disposal capacity for the type of facility that is proposed.” Third, the board would also have to consider “the site selection process used by the applicant, and the basis for the selection of the proposed site.” Fourth, under the bill the board also would have to consider “for a commercial treatment, storage or disposal facility, the need for the facility based on existing and future hazardous waste management capacity and needs within the state.”

House Bill 4294 would amend the Natural Resources and Environmental Protection Act (MCL 324.62501 et al) to require a bond of not less than \$25,000. Currently under the law, a person cannot begin drilling a well until the well owner completes a written application for a permit, pays the appropriate application fee depending upon the kind of well, files a survey of the well site, files an approved surety or security bond, and receives a permit pursuant to the rule of the supervisor of mineral wells. House Bill 4294 would retain all of these provisions, and also specify that for multi-source commercial hazardous waste disposal wells, the bond required would be in an amount not less than \$25,000 per well, as provided by rules of the supervisor of mineral wells.

In addition, the bill specifies that if, within one year after the supervisor of mineral wells issued a permit to drill or convert a well for storage or waste disposal, that well had not been drilled or converted, then the permittee would be required to provide public notice of the pending drilling or conversion in a newspaper where the well was located. The same notice would be required if the supervisor of mineral wells granted an extension to a permit to drill or convert a well for storage or waste disposal. However, under the bill, the supervisor could not approve a permit to drill or convert a multi-source commercial hazardous waste disposal well unless both of the following conditions were met: a) the well was (or would be) located at least 1,000 feet from the boundary of a residentially zoned area that was zoned for residential use on or before the effective date of this amendatory act; and b) the applicant owned the property on which the well was (or would be) located.

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