

HOUSE BILL No. 4294

February 27, 2003, Introduced by Reps. Hopgood, Murphy, Gielegem, O'Neil, Law, Cheeks and Condino and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 62501, 62506a, and 62509 (MCL 324.62501, 324.62506a, and 324.62509), sections 62501 and 62509 as amended by 1998 PA 467 and section 62506a as added by 1996 PA 168.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 62501. As used in this part:

2 (a) "Artificial brine" means mineralized water formed by
3 dissolving rock salt or other readily soluble rocks or minerals.

4 (b) "Brine well" means a well drilled or converted for the
5 purpose of producing natural or artificial brine.

6 (c) "Department" means the department of environmental
7 quality.

8 (d) "Disposal well" means a well drilled or converted for
9 subsurface disposal of waste products or processed brine and its

1 related surface facilities.

2 (e) "Exploratory purposes" means test well drilling for the
3 specific purpose of discovering or outlining an orebody or
4 mineable mineral resource.

5 (f) "Fund" means the mineral well regulatory fund created in
6 section 62509b.

7 (g) "Mineral well" means any well subject to this part.

8 (h) **"Multisource commercial hazardous waste disposal well"**
9 **means a disposal well that receives hazardous waste that is**
10 **generated by more than 1 person. Multisource commercial**
11 **hazardous waste disposal well does not include a disposal well**
12 **that receives hazardous waste generated from a subsidiary of the**
13 **person that owns or operates a hazardous waste disposal well.**

14 (i) ~~(h)~~ "Natural brine" means naturally occurring
15 mineralized water other than potable or fresh water.

16 (j) ~~(i)~~ "Operator" means the person, whether owner or not,
17 supervising or responsible for the drilling, operating,
18 repairing, abandoning, or plugging of wells subject to this
19 part.

20 (k) ~~(j)~~ "Owner" means the person who has the right to
21 drill, convert, or operate any well subject to this part.

22 (l) ~~(k)~~ "Pollution" means damage or injury from the loss,
23 escape, or unapproved disposal of any substance at any well
24 subject to this part.

25 (m) ~~(l)~~ "Storage well" means a well drilled into a
26 subsurface formation to develop an underground storage cavity for
27 subsequent use in storage operations. Storage well does not

1 include a storage well drilled pursuant to part 615.

2 **(n)** ~~-(m)-~~ "Supervisor of mineral wells" means the state
3 geologist.

4 **(o)** ~~-(n)-~~ "Surface waste" means damage to, injury to, or
5 destruction of surface waters, soils, animal, fish, and aquatic
6 life, or surface property from unnecessary seepage or loss
7 incidental to or resulting from drilling, equipping, or operating
8 a well or wells subject to this part.

9 **(p)** ~~-(o)-~~ "Test well" means a well, core hole, core test,
10 observation well, or other well drilled from the surface to
11 determine the presence of a mineral, mineral resource, ore, or
12 rock unit, or to obtain geological or geophysical information or
13 other subsurface data related to mineral exploration and
14 extraction. Test well does not include holes drilled in the
15 operation of a quarry, open pit, or underground mine, or any
16 wells not related to mineral exploration or extraction.

17 **(q)** ~~-(p)-~~ "Underground storage cavity" means a cavity formed
18 by dissolving rock salt or other readily soluble rock or mineral,
19 by nuclear explosion, or by any other method for the purpose of
20 storage or disposal.

21 **(r)** ~~-(q)-~~ "Underground waste" means damage or injury to
22 potable water, mineralized water, or other subsurface resources.

23 **(s)** ~~-(r)-~~ "Waste product" means waste or by-product resulting
24 from municipal or industrial operations or waste from any trade,
25 manufacture, business, or private pursuit that could cause
26 pollution and for which underground disposal may be feasible or
27 practical.

1 Sec. 62506a. (1) As used in this section:

2 (a) "Hazardous waste", "storage facility", and "treatment
3 facility" have the meanings ascribed to these terms in part 111.

4 ~~(b) "Multisource commercial hazardous waste disposal well"~~
5 ~~means a disposal well that receives hazardous waste that is~~
6 ~~generated by more than 1 person. Multisource commercial~~
7 ~~hazardous waste disposal well does not include a disposal well~~
8 ~~that receives hazardous waste generated from a subsidiary of the~~
9 ~~person that owns or operates a hazardous waste disposal well.~~

10 **(b)** ~~-(c)-~~ "Person" includes a governmental entity.

11 (2) Prior to the drilling of a multisource commercial
12 hazardous waste disposal well or the conversion of a well to a
13 multisource commercial hazardous waste disposal well, a person
14 shall have obtained a construction permit for an on-site
15 treatment facility and storage facility under section 11118.

16 (3) Nothing in the amendatory act that added this section
17 shall be construed to abrogate common law.

18 Sec. 62509. (1) A person shall not drill or begin the
19 drilling of any brine, storage, or waste disposal well, or
20 convert any well for these uses, until the owner directly or
21 through his or her authorized representative files ~~—a—~~ **an**
22 **administratively complete** written application for a permit to
23 drill or convert a well, pays the application fee provided in
24 subsection ~~-(6)-~~ **(7)**, files a survey of the well site, files an
25 approved surety or security bond, and receives a permit pursuant
26 to the rules of the supervisor of mineral wells. **For multisource**
27 **commercial hazardous waste disposal wells, the bond required**

1 under this subsection shall be in an amount not less than
2 \$25,000.00 per well as provided by rules of the supervisor of
3 mineral wells. Within 10 days after receiving ~~the prescribed~~ an
4 **administratively complete** application and **application** fee, and
5 following investigation, inspection, and approval, the supervisor
6 of mineral wells shall issue the well permit. A permit shall not
7 be issued to any owner or his or her authorized representative
8 who does not comply with the rules of the supervisor of mineral
9 wells or who is in violation of this part or any rule of the
10 supervisor of mineral wells. Upon completion of the drilling or
11 converting of a well for storage or waste disposal and after
12 necessary testing by the owner to determine that the well can be
13 used for these purposes and in a manner that will not cause
14 surface or underground waste, the supervisor of mineral wells,
15 upon receipt of appropriate evidence, shall approve and regulate
16 the use of the well for storage or waste disposal. These
17 operations shall ~~be pursuant to~~ **comply with** part 31. The
18 supervisor of mineral wells may schedule a public hearing to
19 consider the need or advisability of permitting the drilling or
20 operating of a storage or waste disposal well, or converting a
21 well for these uses, if the public safety or other interests are
22 involved. **If, within 1 year after the supervisor of mineral**
23 **wells issues a permit to drill or convert a well for storage or**
24 **waste disposal, that well has not been drilled or converted, the**
25 **permittee shall provide public notice in a manner prescribed by**
26 **the supervisor of mineral wells of the pending drilling or**
27 **conversion in a newspaper of general circulation covering the**

1 geographic area in which the well is proposed to be located. If
2 the supervisor of mineral wells grants an extension to a permit
3 to drill or convert a well for storage or waste disposal, the
4 permittee shall provide public notice in a manner prescribed by
5 the supervisor of mineral wells of the extension in a newspaper
6 of general circulation covering the geographic area in which the
7 well is proposed to be located.

8 (2) The supervisor shall not approve a permit to drill or
9 convert a multisource commercial hazardous waste disposal well
10 unless both of the following conditions are met:

11 (a) The multisource commercial hazardous waste disposal well
12 will be or is located at least 1,000 feet from the boundary of a
13 residentially zoned area that was zoned for residential use on or
14 before the effective date of the amendatory act that added this
15 subdivision.

16 (b) The applicant owns the property on which the multisource
17 commercial hazardous waste disposal well is located or is
18 proposed to be located.

19 (3) ~~-(2)-~~ A person shall not drill a test well 50 feet or
20 greater in depth into the bedrock or below the deepest freshwater
21 strata, except as provided in section 62508(c), until the owner
22 directly or through his or her authorized representative files a
23 written application for a permit to drill, pays the permit
24 application fee provided in subsection ~~-(6)-~~ (7), files an
25 approved surety or security bond, and receives a permit pursuant
26 to the rules of the supervisor of mineral wells. Within 10 days
27 after receiving the prescribed application and fee, and following

1 necessary investigation, inspection, and approval, the supervisor
2 of mineral wells shall issue the permit. A permit shall not be
3 issued to any owner or his or her authorized representative who
4 does not comply with the rules of the supervisor of mineral wells
5 or who is in violation of this part or any rule of the supervisor
6 of mineral wells. A test well that penetrates below the deepest
7 freshwater stratum or is greater than 250 feet in depth is
8 subject to an individual test well permit. A test well that does
9 not penetrate below the deepest freshwater stratum and is 250
10 feet or less in depth is subject to a blanket test well permit.
11 This subsection does not apply to a test well regulated under
12 part 111 or part 115, or a water well regulated under part 127 of
13 the public health code, 1978 PA 368, MCL 333.12701 to 333.12771.

14 **(4)** ~~-(3)-~~ A permit is not required to drill a test well in
15 those areas of the state where rocks of Precambrian age directly
16 underlie unconsolidated surface deposits or in those areas that
17 have been designated pursuant to section 62508(c). However,
18 within 2 years after completion of the drilling of the well, the
19 owner shall advise the supervisor of mineral wells of the
20 location of the well and file with the supervisor of mineral
21 wells the log required under section 62508(d). The provisions of
22 this part pertaining to the prevention and correction of surface
23 and underground waste have the same application to these test
24 wells as to other wells defined in this part.

25 **(5)** ~~-(4)-~~ Upon request, the supervisor of mineral wells may
26 issue to qualified persons a blanket permit to drill within a
27 county test wells which will not penetrate below the deepest

1 freshwater stratum and are 250 feet or less in depth.

2 (6) ~~-(5)-~~ All information and records pertaining to the
3 application for and issuance of permits for wells subject to this
4 part shall be held confidential in the same manner as provided
5 for logs and reports on these wells.

6 (7) ~~-(6)-~~ A permit application submitted under this section
7 shall be accompanied by the following permit application fee:

8	(a) Disposal well for disposal of waste	
9	products other than processed brine.....	\$2,500.00.
10	(b) Disposal well for disposal of processed	
11	brine.....	\$500.00.
12	(c) Storage well.....	\$500.00.
13	(d) Natural brine production well.....	\$500.00.
14	(e) Artificial brine production well.....	\$500.00.
15	(f) Individual test well under subsection -(2)-	
16	(3).....	\$500.00.
17	(g) Blanket permit for test wells drilled pursuant to	
18	subsection -(4)- (5):	
19	(i) 1 to 24 wells.....	\$75.00.
20	(ii) 25 to 49 wells.....	\$150.00.
21	(iii) 50 to 75 wells.....	\$300.00.
22	(iv) 75 to 200 wells.....	\$600.00.

23 (8) ~~-(7)-~~ The supervisor of mineral wells shall
24 deposit all permit application fees collected under
25 this section into the fund.

26 Enacting section 1. This amendatory act does not take
27 effect unless Senate Bill No. _____ or House Bill No. 4293

1 (request no. 01120'03) of the 92nd Legislature is enacted into
2 law.