

HOUSE BILL No. 6441

September 15, 2010, Introduced by Reps. Lahti, Robert Jones, Lindberg, Nerat, McDowell and Dean and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 60101, 60102, 60103, 60104, 60105, 60106, 60107, 60108, 62501, and 63101 (MCL 324.60101, 324.60102, 324.60103, 324.60104, 324.60105, 324.60106, 324.60107, 324.60108, 324.62501, and 324.63101), sections 60101, 60102, 60103, 60104, 60105, 60106, 60107, and 60108 as added by 1995 PA 57, section 62501 as amended by 1998 PA 467, and section 63101 as amended by 2004 PA 449; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 60101. As used in this part, ~~"state geologist" means the~~
2 ~~chief of the geological survey division of the department.~~ "BOARD OF

1 **TRUSTEES" MEANS THE BOARD OF TRUSTEES OF WESTERN MICHIGAN**
 2 **UNIVERSITY.**

3 Sec. 60102. ~~The department~~ **WESTERN MICHIGAN UNIVERSITY SHALL**
 4 **MAINTAIN A DEPARTMENT OF GEOSCIENCES. THE MICHIGAN GEOLOGICAL**
 5 **SURVEY IS ESTABLISHED WITHIN THE DEPARTMENT OF GEOSCIENCES OF**
 6 **WESTERN MICHIGAN UNIVERSITY. THE BOARD OF TRUSTEES** shall control
 7 and supervise the ~~continuance and completion of the~~ **OPERATION OF**
 8 **THE MICHIGAN** geological survey ~~of the state and for that purpose~~
 9 ~~may from time to time~~ **SHALL** appoint or employ a ~~state geologist~~
 10 **DIRECTOR OF THE MICHIGAN GEOLOGICAL SURVEY** and a person or persons
 11 to assist ~~in making the geological survey~~ **THE DIRECTOR** as the
 12 ~~department~~ **BOARD OF TRUSTEES** considers necessary. The ~~department~~
 13 **BOARD OF TRUSTEES** shall determine the length of time and the
 14 location where these persons shall be employed.

15 Sec. 60103. The salary of the persons employed in the **MICHIGAN**
 16 geological survey shall be established by the ~~department,~~ **BOARD OF**
 17 **TRUSTEES** and shall be payable only for services actually rendered.
 18 The ~~department~~ **BOARD OF TRUSTEES** shall regulate all expenses
 19 incident to the **MICHIGAN** geological survey and may require reports
 20 as the ~~department~~ **BOARD OF TRUSTEES** considers useful.

21 Sec. 60104. ~~The department shall make or cause to be made~~
 22 **MICHIGAN GEOLOGICAL SURVEY SHALL CONTINUE TO MAKE** a thorough
 23 geological and mineralogical survey of ~~the~~ **THIS** state, which ~~shall~~
 24 **MAY** include a determination of the succession and arrangement,
 25 thickness, and position of all strata and rocks; their mineral
 26 character and contents and their economical uses; an investigation
 27 of soils and subsoils and the determination of their character and

1 agricultural adaptation; and the investigation of all deposits of
2 brines, coal, marl, clay, gypsum, lime, petroleum, metals and
3 metallic ores, building stone, marble, gritstone, materials for
4 mortar and cement, mineral paint, and all other **GEOLOGICAL**
5 productions ~~of the geological world within the limits of this state~~
6 capable of being converted to the uses of humans.

7 Sec. 60105. The ~~department shall cause ample materials to be~~
8 ~~collected~~ **MICHIGAN GEOLOGICAL SURVEY SHALL PROVIDE FOR THE**
9 **COLLECTION AND CONSERVATION OF CORES, SAMPLES, AND SPECIMENS** for
10 the illustration of every division of the geology and mineralogy of
11 the ~~THIS~~ state. and shall label, arrange, and prepare the materials
12 for exhibition in suitable cases in the museums of the public
13 colleges and universities of the state and in a room in connection
14 with the state library.

15 Sec. 60106. The ~~department~~ **MICHIGAN GEOLOGICAL SURVEY** shall
16 prepare an annual report of **PROGRESS AND OTHER REPORTS, DOCUMENTS,**
17 **AND MAPS AS MAY BE NECESSARY TO THE FULFILLMENT OF ITS**
18 **RESPONSIBILITIES.** ~~the progress of the geological survey and, as~~
19 ~~often as possible, a condensed statement of important and~~
20 ~~interesting facts for general circulation. Upon completion of the~~
21 ~~geological survey, the department shall prepare a complete memoir~~
22 ~~of the geology of the state, including an account of all its~~
23 ~~mineral and agricultural resources as is usual in works of that~~
24 ~~character, a delineation of its geology on the map of the state,~~
25 ~~and other diagrams and illustrations as necessary to set forth in a~~
26 ~~creditable, intelligible, and, as far as possible, popular manner~~
27 ~~the nature, location, and extent of the geological and agricultural~~

1 ~~resources of the state. However, this report shall not contain to~~
 2 ~~any considerable extent compilations of and extracts from books~~
 3 ~~previously published.~~

4 Sec. 60107. All notes, memoranda, compilations, collections,
 5 specimens, diagrams, and illustrations that may be made in the
 6 ~~progress of the OPERATION OF THE MICHIGAN geological survey by the~~
 7 ~~person or persons engaged in conducting the geological survey are~~
 8 the property of the ~~THIS~~ state and shall be under the control of
 9 the department **OF GEOSCIENCES OF WESTERN MICHIGAN UNIVERSITY.**

10 Sec. 60108. ~~To implement this part, the sum of \$8,000.00 for~~
 11 ~~each year until the completion of the geological survey is hereby~~
 12 ~~appropriated to be drawn from the state treasury as needed. All~~
 13 ~~expenses of the department in implementing this part authorized by~~
 14 ~~law shall first be certified to be correct by the department, and~~
 15 ~~shall be paid out of the state treasury upon the warrant of the~~
 16 ~~state treasurer from the fund appropriated for that purpose.~~
 17 ~~However, this appropriation shall not be used for printing reports.~~
 18 **THE MICHIGAN GEOLOGICAL SURVEY MAY RECEIVE MONEY OR OTHER ASSETS TO**
 19 **IMPLEMENT THIS PART FROM ANY OF THE FOLLOWING:**

- 20 **(A) FUNDS APPROPRIATED BY THE LEGISLATURE.**
 21 **(B) FEDERAL, STATE, MUNICIPAL, OR PRIVATE GRANTS.**
 22 **(C) ANY OTHER SOURCE APPROVED BY THE BOARD OF TRUSTEES.**

23 Sec. 62501. As used in this part:

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

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

1 (c) "Department" means the department of ~~environmental quality~~
2 **NATURAL RESOURCES AND ENVIRONMENT.**

3 (d) "Disposal well" means a well drilled or converted for
4 subsurface disposal of waste products or processed brine and its
5 related surface facilities.

6 (e) "Exploratory purposes" means ~~test well drilling~~ for the
7 specific purpose of discovering or outlining an orebody or mineable
8 mineral resource.

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

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

12 (h) "Natural brine" means naturally occurring mineralized
13 water other than potable or fresh water.

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

17 (j) "Owner" means the person who has the right to drill,
18 convert, or operate any well subject to this part.

19 (k) "Pollution" means damage or injury from the loss, escape,
20 or unapproved disposal of any substance at any well subject to this
21 part.

22 (l) "Storage well" means a well drilled into a subsurface
23 formation to develop an underground storage cavity for subsequent
24 use in storage operations. Storage well does not include a storage
25 well drilled pursuant to part 615.

26 (m) "Supervisor of mineral wells" means the ~~state geologist~~
27 **DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE.**

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

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

14 (p) "Underground storage cavity" means a cavity formed by
15 dissolving rock salt or other readily soluble rock or mineral, by
16 nuclear explosion, or by any other method for the purpose of
17 storage or disposal.

18 (q) "Underground waste" means damage or injury to potable
19 water, mineralized water, or other subsurface resources.

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

25 Sec. 63101. As used in this part:

26 (a) "Administratively complete" means an application for a
27 mining permit under this part that is determined by the department

1 to satisfy all of the conditions of this part and rules promulgated
2 under this part.

3 (b) "Department" means the department of ~~environmental quality~~
4 **NATURAL RESOURCES AND ENVIRONMENT.**

5 (c) "Life of the mine" means the period of time from issuance
6 of a permit under this part through the completion of reclamation
7 as required by this part.

8 (d) "Metallic mineral" means ferrous ore or material mined for
9 its ferrous content.

10 (e) "Metallic mineral operator" means a person who owns or
11 leases the plant and equipment utilized in a metallic mineral
12 mining area and is engaged in the business of mining metallic
13 minerals or preparing to engage in mining operations for metallic
14 minerals.

15 (f) "Metallic product" means a commercially salable metallic
16 mineral in its final marketable form or state.

17 (g) "Mineral" means any substance to be excavated from the
18 natural deposits on or in the earth for commercial, industrial, or
19 construction purposes, including gypsum, limestone, dolostone,
20 sandstone, shale, metallic mineral, or other solid materials.
21 However, mineral does not include clay, gravel, marl, peat, inland
22 sand or sand mined for commercial or industrial purposes, from sand
23 dune areas regulated under part 637, coal regulated under part 635,
24 or nonferrous metallic mineral regulated under part 632.

25 (h) "Mining area" or "area subjected to mining" means an area
26 of land from which material is removed in connection with the
27 production or extraction of minerals by surface or open pit mining

1 methods, the lands on which material from that mining is deposited,
2 the lands on which beneficiating or treatment plants and auxiliary
3 facilities are located, the lands on which the water reservoirs
4 used in the mining process are located, and auxiliary lands which
5 are used.

6 (i) "Operator" means a metallic mineral operator or other
7 persons engaged in or preparing to engage in mining operations for
8 the production of mineral products.

9 (j) "Stockpile" means material, including, but not limited to,
10 surface overburden, rock, or lean ore, which in the process of
11 mineral mining and beneficiation or treatment has been removed from
12 the earth and stored on the surface, but excluding materials that
13 are being treated in the production of mineral products and the
14 mineral product that has been produced by that operation.

15 (k) "Supervisor of reclamation" means the ~~state geologist~~
16 **DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE.**

17 (l) "Surface or open pit mining" means the mining of more than
18 10,000 tons of a mineral or disturbing more than 1 acre of land a
19 year in the regular operation of a business by removing the
20 overburden lying above a natural deposit of a mineral and mining
21 directly from the natural deposit exposed or by mining directly
22 from a deposit lying exposed in the mineral's natural state.
23 Surface or open pit mining includes all mineral mining below the
24 water table or which will upon cessation of mining result in
25 creating a body of water of any size. Surface or open pit mining
26 does not include excavation or grading preliminary to a
27 construction project.

1 (m) "Tailings basin" means land on which is deposited, by
2 hydraulic or other means, the material that is separated from the
3 mineral product in the beneficiation or treatment of minerals
4 including any surrounding dikes constructed to contain the
5 material.

6 Enacting section 1. Section 50 of 1846 RS 60, MCL 322.350, is
7 repealed.