



**House
Legislative
Analysis
Section**

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SCIENCE ADV. COUNCIL PANEL

House Bill 5341

Sponsor: Rep. Tom Alley

Committee: Conservation, Recreation
and Environment

Complete to 4-1-92

A SUMMARY OF HOUSE BILL 5341 INTRODUCED 11-21-91

Currently, under the Environmental Response Act, individuals who are liable for a facility where a hazardous substance has been released may submit a proposed remedial action plan to the Department of Natural Resources (DNR). If the DNR recommends changes to the plan that the responsible party rejects, then the two parties may either work out their disagreements or submit items of difference to the Science Advisory Council. The Science Advisory Council is required, under the act, to provide recommendations for resolving the differences between the department and the responsible party. The council is then required to forward its recommendations on the differences to the department, the party, and a facilitator assigned by the Office of Environmental Cleanup Facilitation to assist in resolution of the dispute. House Bill 5341 would amend the act to require that the council forward its recommendations to the Office of Environmental Cleanup rather than the facilitator. In addition, the bill would amend the following provisions of the act concerning the advisory council:

Three-Member Panel. At present, the Science Advisory Council is required to appoint three of its members to provide recommendations to resolve items of difference. The bill would amend the act to require that the chairperson of the council appoint three members to serve on a panel on a rotating basis to provide recommendations for resolving the items of difference, and also that the DNR, and those who could be liable for the facility's response activity costs, be notified of these appointments. In addition, the DNR and those who could be liable for the facility's response costs could each reject one of the individuals appointed to serve on the panel, and the chairperson would be required to appoint a replacement.

Science Advisory Council. Currently, the act prohibits members of the council who make recommendations regarding the contents of a remedial action plan for a facility from having any present or past personal, contractual, financial, business, or employment interest in matters related to persons with disputes before the council. The bill would amend the act to specify that this prohibition would apply to the three-member science advisory council panel. The bill would also clarify the current provision under the act that prohibits a member of the council from being employed -- for a period of six months after leaving the council -- by the DNR, an individual who has had a dispute before a council panel on which the member served, or a consulting firm associated with that individual or with the department. In addition, the bill would require that the council elect a chairperson and other officers, as it considered appropriate.

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Plan of Operation. The bill would require that the Science Advisory Council prepare a plan of operation for the internal operations and procedures of the council, and promulgate rules it considered necessary to implement procedures relating to the council.

MCL 299.611c et al.