



Senate Fiscal Agency
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Senate Bill 653 (as reported without amendment)
Sponsor: Senator Burton Leland
Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would amend Part 201 (Environmental Response) of the Natural Resources and Environmental Protection Act to restore a fee exempting a person from liability after the completion of a baseline environmental assessment. The fee had sunsetted on June 5, 2003; the fee under the bill would expire on June 5, 2005.

(Part 201 defines "baseline environmental assessment" as an evaluation of environmental conditions that exist at a facility at the time of purchase, occupancy, or foreclosure that reasonably defines the existing conditions and circumstance at the facility so that, in the event of a subsequent release, there is a means of distinguishing the new release from existing contamination. A facility is a place or property where a hazardous substance exceeding certain concentrations has been released or deposited.)

Under Part 201, a person may petition the Department of Environmental Quality within six months after the completion of a baseline environmental assessment for a determination that he or she meets the requirements for exemption from liability and, in conjunction with that exemption, a determination that the proposed use of a facility satisfies his or her obligations under Section 20107a (which describes what someone must do if the person owns property that he or she knows is a facility).

Until June 5, 2003, the Act required a petition for liability exemption to be accompanied by a fee of \$750, which had to be deposited in the Cleanup and Redevelopment Fund. The bill would require the fee until June 5, 2005.

MCL 324.20129a

Legislative Analyst: Claire Layman

FISCAL IMPACT

According to the Department of Environmental Quality, it usually collects approximately \$230,000 in annual revenue from over 300 petitions for a determination of liability exemption. The fee expired on June 5, 2003, and the Department has not been collecting it since that date. The revenue is deposited into the Cleanup and Redevelopment Fund, which is used for pollution cleanup activities at environmental contamination sites.

Date Completed: 12-15-03

Fiscal Analyst: Jessica Runnels