



Senate Fiscal Agency
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**BILL ANALYSIS**

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Senate Bill 506 (Substitute S-1 as reported)
Sponsor: Senator Dennis Olshove
Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would amend Part 31 (Water Resources Protection) of the Natural Resources and Environmental Protection Act, to prohibit the open-water disposal of contaminated dredge materials in the waters of the State.

Specifically, the bill states that notwithstanding any other provision of Part 31 or rules promulgated under it, the open-water disposal of contaminated dredge materials would be prohibited. The bill would define "open water disposal of contaminated dredge materials" as the placement of dredge materials contaminated with toxic substances (as defined in Rule 323.1205 of the Michigan Administrative Code) into the open waters of the waters of the State, not including the siting or use of a confined disposal facility designated by the United States Army Corps of Engineers, or beach nourishment activities using uncontaminated materials.

The Administrative Code defines "toxic substance" as a substance, except for heat, that is present in a sufficient concentration or quantity to be or to become harmful to plant life, animal life, or designated uses.

MCL 324.3101 et al.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would expand what constitutes a violation of Part 31 of the Act. This could result in additional civil and criminal fines from increased violations, as well as increased costs to the correctional system. Civil fines would range from \$500 to \$5.0 million. Criminal fines would start at \$2,500 and could be imposed in amounts greater than \$1.0 million. (Fines in the upper range are imposed if the defendant's actions pose or posed a substantial endangerment to the public health, safety, or welfare.) A felony conviction for a violation of this part could result in up to five years' imprisonment. Civil fines would be deposited into the General Fund and criminal fines benefit local libraries.

Date Completed: 10-6-05

Fiscal Analyst: Jessica Runnels