



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 1090 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Senator Tom Casperson

Committee: Natural Resources, Environment and Great Lakes

CONTENT

The bill would amend Part 201 (Environmental Remediation) of the Natural Resources and Environmental Protection Act to do the following:

- Include an ecological demonstration and modeling demonstration among the methods a person may use to demonstrate compliance with Part 201 requirements for a response activity providing for venting groundwater.
- Revise the standards for compliance methods allowed currently, and establish standards for an ecological and modeling demonstration.
- Prohibit response activity beyond evaluations from being required if venting groundwater had no effect or only a de minimis effect on a surface water body.
- Allow a person to file a technical impracticability waiver request with the Department of Environmental Quality (DEQ), if compliance with groundwater surface water interface (GSI) criteria were unachievable.
- Provide that natural attenuation of hazardous substances would be an acceptable form of remediation.
- Prescribe conditions for a groundwater contamination plume that entered a sewer that discharged to surface water.
- Provide that the bill would apply retroactively, and allow the modification of a judgment, order, consent judgment or order, or agreement entered before the bill took effect.

The bill also would rescind an administrative rule pertaining to the cleanup criteria for contaminated groundwater, and reenact several of the rule's provisions in Part 201.

MCL 324.20120e

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would likely have little long-term impact on the State's finances. In the short-term, new guidelines and changes in rules could result in some costs to the DEQ as transitions were made, but these costs would be borne by existing DEQ resources. Once the changes were implemented by the DEQ, the bill would likely result in little or no additional costs to the Department.

Date Completed: 5-15-12

Fiscal Analyst: Josh Sefton