

HAZARDOUS WASTE LICENSE: REQUIRE DISCLOSURE OF PRIOR CRIMINAL CONVICTIONS

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Senate Bill 20

Sponsor: Sen. Hoon-Yung Hopgood

House Committee: Natural Resources

Senate Committee: Natural Resources, Environment, and Great Lakes

Complete to 9-16-13

A SUMMARY OF SENATE BILL 20 AS PASSED BY THE SENATE 6-20-13

The bill would amend Part 111 (Hazardous Waste Management) of the Natural Resources and Environmental Protection Act to require applicants for hazardous waste facility operating licenses to disclose criminal convictions committed in furtherance of obtaining a license and provide the Department of Environmental Quality (DEQ) with the authority to deny a license application based on such violations.

Currently, under Part 111, individuals are prohibited from establishing, conducting, constructing, managing, maintaining, or operating a hazardous waste treatment, storage, or disposal facility without an operating license from the DEQ. In addition to an application form, application fee, and environmental assessment, among other things, applicants currently must submit a disclosure statement that contains all of the following:

- The name and business address of (1) the applicant; (2) the five people holding the largest share of the equity or liability of the proposed facility; (3) the operator; (4) the three employees who will have the most responsibility for day-to-day operations, if known; and (5) any other partnership or legal entity mentioned above that has at any time had 25% or more of the equity in the entity;
- A list of all convictions of any federal, state, Canadian, or Canadian provincial agency environmental statute by an individual required to be listed in the disclosure statement;
- A list of all environmental permits or licenses that have been permanently revoked because of noncompliance; and
- A list of all activities at properties owned by a person required to be listed in the disclosure statement that resulted in an environmental threat (or potential threat) and public funds were used to finance mitigation activities.

In addition to listing criminal convictions of environmental statutes, Senate Bill 20 would require a disclosure statement to also include ***criminal convictions for violations committed in furtherance of obtaining an operating license***, including misdemeanors

committed within five years before the application was filed and felonies committed within 10 years before the application was filed.

The DEQ currently has authority to deny a license application for individuals previously convicted of violating environmental statutes. The bill would expand the authority to deny license applications to include those from individuals convicted of violations in the furtherance of obtaining an operating license.

MCL 324.11123

FISCAL IMPACT:

Senate Bill 20 would have no significant fiscal impact on the State of Michigan or local units of government.

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