

Legislative Analysis



ALLOW THE OPEN DISPOSAL OF NON-CONTAMINATED DREDGE MATERIALS

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Senate Bill 264 (Substitute H-3 as reported)

(Enacted as Public Act 87 of 2013)

Sponsor: Sen. Tom Casperson

House Committee: Natural Resources

Senate Committee: Outdoor Recreation and Tourism

Complete to 6-13-13

A REVISED SUMMARY OF SENATE BILL 264 (H-3) AS REPORTED FROM HOUSE COMMITTEE 6-4-13

The bill would amend Parts 301 (Inland Lakes and Streams) and 325 (Great Lakes Submerged Lands) of the Natural Resources and Environmental Protection Act to (1) allow the open lake disposal of dredge materials that are not contaminated with toxic substances under certain conditions and (2) place certain conditions on dredging permits.

Permits issued for dredging or placing dredged spoils on bottomland under Parts 301 and 325 would be valid for five years and, during the term of the permits, the DEQ would be prohibited from requiring additional environmental studies or surveys unless an "act of God" resulted in significant geological or ecological changes to the permitted area.

Additionally, for permits issued under Part 325, applicants would be allowed, at their own discretion, to engage in open lake disposal of dredge material that was not contaminated with toxic substances in waters at the 30-meter depth contour or deeper. However, dredge materials could not be disposed of in Great Lakes Bottomland Preserves under Part 761, permitted submerged log removal areas under Part 326, or a lake trout or diporeia refuge.

The bill would also clarify that the DEQ would have to process applications for Part 325 minor project and general permits and Part 301 general permits within 60 days.

FISCAL IMPACT:

Senate Bill 264 would have no fiscal impact on the Department of Environmental Quality (DEQ) and no significant fiscal impact on local units of government.

BACKGROUND INFORMATION AND DISCUSSION:

According to testimony, the bill is intended to complement a set of bills taken up earlier this session to expedite the dredging application process. According to the DEQ, dredging applications have more than tripled this year as a result of low lake levels. This bill would minimize the time and transportation costs associated with dredging by allowing the open lake disposal of dredge materials that are not contaminated with a toxic

substance. By providing an additional option for the disposal of clean dredge material, the bill may allow work to be completed faster and at a reduced cost.

Some believe that open water disposal of dredge material is inappropriate and could adversely harm the water quality and aquatic habitats. Viable alternatives exist for the disposal of dredge material that minimizes environmental impacts. Instead of allowing open water disposal of all dredge materials that do not contain toxic substances, some believe the practice should be limited to materials that improve natural conditions in the lakes.

POSITIONS:

Michigan Department of Environmental Quality supports the bill. (6-4-13)

Michigan Bankers Association supports the bill. (6-4-13)

Michigan Boating Industries Association supports the bill. (6-4-13)

Lake Carrier's Association supports the bill. (6-4-13)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.