

Legislative Analysis



STAMP SANDS

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 872 as enacted

Public Act 258 of 2014

Sponsor: Sen. Tom Casperson

House Committee: Natural Resources

Senate Committee: Natural Resources, Environment, and Great Lakes

Complete to 9-20-18

BRIEF SUMMARY: Senate Bill 872 would amend Section 20101 of the Natural Resources and Environmental Protection Act (NREPA) by adding a definition for “stamp sands,” and then modifying the definition of “hazardous substance” so that it does not include stamp sands.

FISCAL IMPACT: Senate Bill 872 would not affect costs or revenues for the Department of Environmental Quality (DEQ) or local units of government.

THE APPARENT PROBLEM:

According to testimony given by the bill sponsor, residents in former mining towns are experiencing suppressed property values due to the presence of stamp sands, which were used for fill decades prior to their categorization as a hazardous substance.

THE CONTENT OF THE BILL:

Stamp sands would be defined as “finely grained crushed rock resulting from mining, milling, or smelting of copper ore and includes native substances contained within the crushed rock and any ancillary material associated with the crushed rock.”

The definition of “facility” would be amended by excluding any area, place, or property where hazardous substances in concentrations above unrestricted residential cleanup criteria are present due only to the placement, storage, or use of beneficial use by-products or inert materials at the area, place, or property in compliance with Part 115 solid waste management.

The definition of “release” would be amended by excluding the placement, storage, or use of beneficial use by-products or inert materials at the site of storage or use if in compliance with Part 115.

The bill also would add a new section, Section 20101c, which states that property where stamp sands have been deposited are not subject to regulation under Part 201 of NREPA (Environmental Remediation) as long as the property does not contain hazardous substances in excess of the concentrates that satisfy cleanup criteria for unrestricted residential use.

HOUSE COMMITTEE ACTION:

The House Natural Resources Committee reported the bill with recommendation on a vote of eight in favor, one opposed, and none passing.

BACKGROUND INFORMATION:

Stamp sands are prevalent in the Upper Peninsula, as they are by-products of the mining industry. To extract copper ore, rocks containing small quantities of copper were crushed into sand in order to extract as much of the copper as possible. As a result, the sands contain trace amounts of copper, which are not a public health threat in the quantities present in U.P. sands, according to testimony from the DEQ. The department also noted that, while the sand could be used for fill on land, placing the sand in bodies of water would still be regulated, as it posed a threat to aquatic life.

ARGUMENTS:

For:

As noted above, residents whose homes were built on stamp sands prior to the sands' designation as a hazardous substance experienced decreased property values and other difficulties related to making improvements or modifications to their properties. Proponents of the bill noted that by exempting stamp sands, which the DEQ stated have no impact on public health, these property owners would no longer be at a disadvantage.

Against:

Those opposing the bill indicated that they did not wish to testify during the House Committee meeting, and no testimony on the bill is listed in the Senate committee records. However, the DEQ did note during its testimony that, while they were supportive of removing stamp sands from the list of hazardous materials, they were concerned about the legislature making changes rather than going through the existing process to have materials removed or reclassified.

POSITIONS:

Support: Michigan Chamber of Commerce (6-10-14)

Neutral: Michigan DEQ (6-10-14)

Oppose: Michigan League of Conservation Voters and Sierra Club (6-10-14)

Legislative Analyst: Josh Roesner
Fiscal Analyst: Austin Scott

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