



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 20 (as reported without amendment)
Sponsor: Senator Hoon-Yung Hopgood
Committee: Natural Resources, Environment and Great Lakes

CONTENT

The bill would amend Part 111 (Hazardous Waste Management) of the Natural Resources and Environmental Protection Act to require an applicant for a hazardous waste facility operating license to disclose criminal convictions for violations committed in furtherance of obtaining a license, and authorize the Department of Environmental Quality (DEQ) to deny a license because of such a conviction.

Under Part 111, a person may not establish, construct, conduct, manage, maintain, or operate a hazardous waste treatment, storage, or disposal facility without an operating license from the DEQ. An application for an operating license must contain a disclosure statement that includes the full name and business address of the applicant; the operator; the five people holding the largest shares of the equity in or debt liability of the proposed facility; the three employees who will have the most responsibility for its day-to-day operation; and any other legal entity if any person required to be listed has at any time had at least 25% of the equity in or debt liability of that entity.

In addition, for each person required to be listed, the disclosure statement must include a list of all convictions for criminal violations of any environmental statute enacted by a Federal, state, Canadian, or Canadian provincial agency. Under the bill, the disclosure statement also would have to include a conviction for a violation committed in furtherance of obtaining a Part 111 operating license. This requirement would apply to a misdemeanor committed within five years before the application was filed and a felony committed within 10 years before the application was filed.

The DEQ may deny an application for an operating license if any convictions are listed. Under the bill, this would include any convictions listed for a violation committed in furtherance of obtaining a license.

MCL 324.11123

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 4-18-13

Fiscal Analyst: Josh Sefton