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BILL



ANALYSIS

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Senate Bill 20 (as introduced 1-16-13)
Sponsor: Senator Hoon-Yung Hopgood
Committee: Natural Resources, Environment and Great Lakes

Date Completed: 4-15-13

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 all of the following:

- The applicant.
- The five people holding the largest shares of the equity in or debt liability of the proposed facility.
- The operator.
- If known, the three employees of the operator who will have the most responsibility for the day-to-day operation of the facility, including their previous experience with other hazardous waste treatment, storage, or disposal facilities.
- Any other partnership, corporation, association, or 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.

The bill also would require the disclosure statement 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.

FISCAL IMPACT

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

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.