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Senate Bill 872 (as introduced 3-13-14)  
Sponsor: Senator Tom Casperson  
Committee: Natural Resources, Environment and Great Lakes

Date Completed: 3-26-14

## **CONTENT**

**The bill would amend Part 201 (Environmental Remediation) of the Natural Resources and Environmental Protection Act (NREPA) to exclude stamp sands from the definition of "hazardous substance", and provide that property where stamp sands were deposited would not be subject to regulation under Part 201, unless excessive hazardous substances also were present.**

Part 201 provides for the cleanup of property that has been contaminated by the release of hazardous substances, and prescribes criteria to establish liability for the cost of response activities on such property. The Department of Environmental Quality (DEQ) may establish cleanup criteria and approve of remedial actions in the categories of residential, nonresidential, limited residential, and limited nonresidential, depending on the intended use of the property. Alternatively, in some cases, the DEQ may allow the use of site-specific cleanup criteria.

Subject to a number of exceptions, "hazardous substance" means any of the following:

- Any substance that the DEQ demonstrates, on a case by case basis, poses an unacceptable risk to the public health, safety, or welfare or the environment, considering the fate of the material, dose-response, toxicity, or adverse impact on natural resources.
- A hazardous substance as defined in the Comprehensive Environmental Response, Compensation, and Liability Act.
- Hazardous waste as defined in Part 111 (Hazardous Waste Management) of NREPA.
- Petroleum as described in Part 213 (Leaking Underground Storage Tanks) of NREPA.

The bill provides that this definition would not include stamp sands. "Stamp sands" would mean finely grained crushed rock resulting from mining, milling, or smelting of copper ore. The term would include native substances contained within, and any ancillary material associated with, the crushed rock.

The bill also specifies that property where stamp sands had been deposited would not be subject to regulation under Part 201 unless the property otherwise contained hazardous substances in excess of the concentrations that satisfy cleanup criteria for unrestricted residential use.

MCL 324.20101 et al.

Legislative Analyst: Julie Cassidy

## **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.