



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 872 (as enacted)

PUBLIC ACT 258 of 2014

Sponsor: Senator Tom Casperson

Senate Committee: Natural Resources, Environment and Great Lakes

House Committee: Natural Resources

Date Completed: 7-28-15

CONTENT

The bill amended 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 are deposited is not subject to regulation under Part 201, unless excessive hazardous substances also are present.

The bill defines "stamp sands" as finely grained crushed rock resulting from mining, milling, or smelting of copper ore. The term includes native substances contained within, and any ancillary material associated with, the crushed rock.

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 as a regulated substance in Section 21303 (which defines "regulated substance" in Part 213 (Leaking Underground Storage Tanks) of NREPA).

The bill excludes stamp sands from this definition of "hazardous substance".

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

The bill took effect on March 31, 2015.

MCL 324.20101 & 324.20101c

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FISCAL IMPACT

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

Fiscal Analyst: Josh Sefton