



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536



**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

Senate Bill 891 (Substitute S-1 as reported)  
Sponsor: Senator Tom Casperson  
Committee: Natural Resources, Environment and Great Lakes

### **CONTENT**

The bill would amend Part 201 (Environmental Remediation) of the Natural Resources and Environmental Protection Act to revise provisions related to the cleanup of contamination caused by the release of a hazardous substance. Specifically, the bill would do the following:

- Revise the definition of "facility".
- Define "residential" and "nonresidential" with regard to cleanup criteria categories.
- Prescribe the means by which a facility owner or operator who was liable for the release of a hazardous substance for which there was no available analytical method or generic cleanup criteria could determine the nature and extent of the substance.
- Allow a facility owner or operator seeking an exemption from liability for a release to request and receive from the Department of Environmental Quality (DEQ) a determination that the owner's or operator's failure to comply with time frames in Part 201 for conducting a baseline environmental assessment was inconsequential.
- Delete a requirement that, in the selection and implementation of remedial actions, the DEQ prefer those that permanently and significantly reduce the volume, toxicity, or mobility of hazardous substances.
- Require a liable owner to initiate a remedial action to address unacceptable risks associated with residual nonaqueous-phase liquids (NAPL) and migrating and mobile NAPL.
- Revise provisions related to the implementation of land or resource use restrictions.
- Delete certain provisions related to the modification of a postclosure plan through a postclosure agreement.
- Provide that approved site-specific criteria would be sufficient to meet certain drinking water standards under particular circumstances.
- Prohibit site-specific criteria from altering any value, parameter, or assumption used to calculate generic cleanup criteria in the case of hazardous substances that pose a risk of carcinogenic exposure or other adverse health effects.
- Provide that site-specific criteria could take into account a land or resource use restriction, as appropriate.
- Prescribe measures to address the release of hazardous substances for which there was no generic cleanup criterion.
- Allow a corrective action under Part 111 (Hazardous Waste Management) to be implemented using the processes and cleanup criteria of Part 201.
- Provide that a release that was addressed through Part 111 could not also be subject to remediation and DEQ oversight under Part 201.

MCL 324.20101 et al.

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill would introduce some new, relatively minor, administrative costs to the Department

of Environmental Quality, and have no fiscal impact on local units of government. The bill would require the Department to publish and presumably update algorithms used to calculate cleanup criteria, as well as tables listing toxicity by substance type. The bill also would require the Department to list exposure factors that could be used to calculate site-specific criteria.

Additionally, the bill would generally change procedures for owners, operators, responsible parties, and the Department with regard to releases of hazardous materials. While it is likely that the changes would have some fiscal impact on the Department, it is difficult to determine with certainty at this time what the impact of those changes could be.

Date Completed: 6-9-14

Fiscal Analyst: Josh Sefton

Floor\sb891

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.