



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 881 (as introduced 2-28-18)
Sponsor: Senator Tom Casperson
Committee: Natural Resources

Date Completed: 2-28-18

CONTENT

The bill would amend Part 31 (Water Resources Protection) of the Natural Resources and Environmental Protection Act to modify the exemption from Part 31 for mining operations that result in the placement of mineral tailings or deposits in inland waters, or the discharge of waste from underground mining operations. Under the bill, the exemption would not apply to the extent there was a discharge of waste or waste effluent into the waters of the State.

Part 31 governs the protection of the waters of the State, requires the Department of Environmental Quality (DEQ) to control the pollution of surface and underground waters that may be affected by waste disposal, and prohibits a person from discharging any waste or waste effluent into the waters of the State without a permit issued by the Department.

Part 31 states that it does not apply to copper or iron mining operations that "result in the placement, removal, use, or processing of copper or iron mineral tailings or copper or iron mineral deposits from such operations being placed in inland waters on bottomlands owned by or under the control of the mining company and only water which may contain a minimal amount of residue as determined by the department resulting from such placement, removal, use of processing being allowed or permitted to escape into public waters". Part 31 also does not apply to the discharge of water from underground iron or copper mining operations subject to a determination by the DEQ.

Under the bill, instead, Part 31 would not apply to ferrous or nonferrous mining operations subject to Part 631 (Ferrous Mineral Mining) and Part 632 (Nonferrous Metallic Mineral Mining) with respect to mining areas, as defined in those parts, with regard to the placement, removal, use, or processing of mineral tailings or mineral deposits being placed in inland waters on bottomlands owned by or under the control of the ferrous or nonferrous mineral operator except to the extent there was a discharge of waste or waste effluent from the inland waters into waters of the State. Part 31 also would not apply to the discharge of water from underground ferrous or nonferrous mining operations except to the extent there was a discharge of waste or waste effluent into the waters of the State.

(The Act defines "waters of the state" as groundwaters, lakes, rivers, and streams and all other watercourses and waters, including the Great Lakes, within the jurisdiction of this State.)

The bill would take effect 90 days after it was enacted.

MCL 324.3116

Legislative Analyst: Nathan Leaman

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.