

HOUSE BILL NO. 4393

April 24, 2025, Introduced by Reps. Miller, Wilson, Wegela, Byrnes, Dievendorf, Morgan, Paiz, Brixie, McKinney, Herzberg, Xiong, Tsernoglou, T. Carter, Farhat, MacDonell, Rheingans and Scott and referred to Committee on Natural Resources and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 11102, 11103, 11104, 11108, 11109, 11110,
11125, 11132, 11514b, 11525a, 62501, and 62509 (MCL 324.11102,
324.11103, 324.11104, 324.11108, 324.11109, 324.11110, 324.11125,
324.11132, 324.11514b, 324.11525a, 324.62501, and 324.62509),
sections 11102 and 11125 as amended by 2010 PA 357, section 11104
as amended and section 11132 as added by 2018 PA 688, section 11108

as amended by 2013 PA 73, section 11109 as added by 2018 PA 689, section 11110 as amended by 1995 PA 61, section 11514b as amended by 2022 PA 245, section 11525a as amended by 2023 PA 140, section 62501 as amended by 1998 PA 467, and section 62509 as amended by 2004 PA 325, and by adding sections 11122, 62508b, and 62509d; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11102. (1) "Captive hazardous waste disposal well" means
2 a class I well that is used by the owner or operator to inject
3 hazardous waste generated exclusively by the owner or operator or
4 its subsidiaries.

5 (2) "Captive hazardous waste treatment, storage, or disposal
6 facility" means a facility that is used by the owner or operator to
7 treat, store, or dispose of hazardous waste generated exclusively
8 by the owner or operator or its subsidiaries.

9 (3) "Captive nonhazardous waste disposal well" means a class I
10 well that is used by the owner or operator to inject only
11 nonhazardous waste generated exclusively by the owner or operator
12 or its subsidiaries.

13 (4) "Class I well" means that term as defined in section
14 62501.

15 (5) "Class IV well" means that term as defined in section
16 62501.

17 (6) ~~(1)~~—"Contaminant" means any of the following:

18 (a) Hazardous waste as defined in R 299.9203 of the Michigan
19 administrative code.

20 (b) Any hazardous waste or hazardous constituent listed in 40
21 CFR part 261, appendix VIII or 40 CFR part 264, appendix IX.

22 (7) ~~(2)~~—"Corrective action" means an action determined by the

1 department to be necessary to protect the public health, safety, or
2 welfare, or the environment, and includes, but is not limited to,
3 investigation, evaluation, cleanup, removal, remediation,
4 monitoring, containment, isolation, treatment, storage, management,
5 temporary relocation of people, and provision of alternative water
6 supplies, or any corrective action allowed under the solid waste
7 disposal act or regulations promulgated pursuant to that act.

8 (8) ~~(3)~~—"Designated facility" means a hazardous waste
9 treatment, storage, or disposal facility that has received a permit
10 or has interim status under the solid waste disposal act or has a
11 permit from a state authorized under section 3006 of subtitle C of
12 the solid waste disposal act, 42 USC 6926, and which, if located in
13 this state, has an operating license issued under this part, has a
14 legally binding agreement with the department that authorizes
15 operation, or is subject to the requirements of section 11123(8).

16 (9) ~~(4)~~—"Disposal" means the discharge, deposit, injection,
17 dumping, spilling, leaking, or placing of a hazardous waste into or
18 on land or water in a manner that the hazardous waste or a
19 constituent of the hazardous waste may enter the environment, be
20 emitted into the air, or be discharged into water, including
21 groundwater.

22 (10) ~~(5)~~—"Disposal facility" means a facility or a part of a
23 facility where managed hazardous waste, as defined by rule, is
24 intentionally placed into or on any land or water and at which
25 hazardous waste will remain after closure.

26 (11) ~~(6)~~—"Failure mode assessment" means an analysis of the
27 potential major methods by which safe handling of hazardous wastes
28 may fail at a treatment, storage, or disposal facility.

29 Sec. 11103. (1) "Generation" means the act or process of

1 producing hazardous waste.

2 (2) "Generator" means any person, by site, whose act or
3 process produces hazardous waste as identified or listed pursuant
4 to section 11128 or whose act first causes a hazardous waste to
5 become subject to regulation under this part.

6 (3) "Hazardous waste" means waste or a combination of waste
7 and other discarded material including solid, liquid, semisolid, or
8 contained gaseous material that because of its quantity, quality,
9 concentration, or physical, chemical, or infectious characteristics
10 may cause or significantly contribute to an increase in mortality
11 or an increase in serious irreversible illness or serious
12 incapacitating but reversible illness, or may pose a substantial
13 present or potential hazard to human health or the environment if
14 improperly treated, stored, transported, disposed of, or otherwise
15 managed. Hazardous waste does not include material that is solid or
16 dissolved material in domestic sewage discharge, solid or dissolved
17 material in an irrigation return flow discharge, industrial
18 discharge that is a point source subject to permits under section
19 402 of title IV of the federal water pollution control act, chapter
20 758, 86 Stat. —880, 33 ~~U.S.C.~~ **USC** 1342, or is a source **material**,
21 special nuclear **material**, or ~~by-product~~ **byproduct** material as
22 defined by the atomic energy act of 1954, ~~chapter 1073, 68 Stat.~~
23 ~~919.42~~ **USC 2011 to 2297h-13.**

24 (4) "Hazardous waste management" means the systematic control
25 of the collection, source separation, storage, transportation,
26 processing, treatment, recovery, recycling, and disposal of
27 hazardous waste.

28 (5) "Landfill" means a disposal facility or part of a facility
29 where hazardous waste is placed in or on land and which is not a

1 pile, a land treatment facility, a surface impoundment, an
2 injection well, a salt dome formation, a salt bed formation, or an
3 underground mine or cave.

4 (6) "Land treatment facility" means a treatment facility or
5 part of a treatment facility at which hazardous waste is applied
6 onto or incorporated into the soil surface. If waste will remain
7 after closure, a facility described in this subsection is a
8 disposal facility.

9 (7) **"Limited-activity radioactive material" or "LARM" means**
10 **material that contains radionuclides at concentrations that exceed**
11 **natural background levels but that does not meet the definition of**
12 **radioactive material under section 13501 of the public health code,**
13 **1978 PA 368, MCL 333.13501. LARM includes technologically enhanced**
14 **naturally occurring radioactive material and other materials with**
15 **similar radiological characteristics, but does not include the**
16 **following:**

17 (a) Source material, special nuclear material, or byproduct
18 material as defined in the atomic energy act of 1954, 42 USC 2011
19 to 2297h-13.

20 (b) Low-level radioactive waste as defined in section 2 of the
21 low-level radioactive waste authority act, 1987 PA 204, MCL
22 333.26202.

23 (c) Any other material regulated as radioactive waste under
24 state or federal law.

25 (8) ~~(7)~~ "Limited storage facility" means a storage facility
26 that meets all of the following conditions:

27 (a) Has a maximum storage capacity that does not exceed 25,000
28 gallons of hazardous waste.

29 (b) Storage occurs only in tanks or containers.

1 (c) Has **on site** not more than 200 containers ~~on site that have~~
2 **with** a capacity of 55 gallons or less.

3 (d) Does not store hazardous waste on site for more than 90
4 days.

5 (e) Does not receive hazardous waste from a treatment,
6 storage, or disposal facility.

7 (9) ~~(8)~~—"Manifest" means a form approved by the department
8 used for identifying the quantity, composition, origin, routing,
9 and destination of hazardous waste during its transportation from
10 the point of generation to the point of disposal, treatment, or
11 storage.

12 (10) ~~(9)~~—"Manifest system" means the system used for
13 identifying the quantity, composition, origin, routing, and
14 destination of hazardous waste during its transportation from the
15 point of generation to the point of disposal, treatment, or
16 storage.

17 (11) ~~(10)~~—"Mechanism" means a letter of credit, a financial
18 test that demonstrates the financial strength of the company owning
19 a treatment, storage, or disposal facility or a parent company
20 guaranteeing financial assurance for a subsidiary, or an insurance
21 policy that will provide funds for closure or postclosure care of a
22 treatment, storage, or disposal facility.

23 (12) **"Multisource commercial hazardous waste disposal well"**
24 **means a class I well that receives hazardous waste generated by**
25 **more than 1 person. However, multisource commercial hazardous waste**
26 **disposal well does not include a disposal well that receives**
27 **hazardous waste generated exclusively by the owner, its**
28 **subsidiaries, the operator, its subsidiaries, or any combination**
29 **thereof.**

1 (13) "Multisource commercial hazardous waste treatment,
2 storage, or disposal facility" means a facility that receives
3 hazardous waste generated by more than 1 person. However,
4 multisource commercial hazardous waste treatment, storage, or
5 disposal facility does not include a facility that receives
6 hazardous waste generated exclusively by the owner, its
7 subsidiaries, the operator, or its subsidiaries.

8 (14) "Multisource commercial nonhazardous waste disposal well"
9 means a class I well that receives nonhazardous waste that is
10 generated by more than 1 person. Multisource commercial
11 nonhazardous waste disposal well does not include a disposal well
12 that receives only nonhazardous waste generated exclusively by the
13 owner, its subsidiaries, the operator, its subsidiaries, or any
14 combination thereof.

15 (15) ~~(11)~~—"Municipal solid waste incinerator" means an
16 incinerator that is owned or operated by any person, and that meets
17 all of the following requirements:

18 (a) The incinerator receives solid waste from off site and
19 burns only household waste from single and multiple dwellings,
20 hotels, motels, and other residential sources, or burns this
21 household waste together with solid waste from commercial,
22 institutional, municipal, county, or industrial sources that, if
23 disposed of, would not be required to be placed in a disposal
24 facility licensed under this part.

25 (b) The incinerator has established contractual requirements
26 or other notification or inspection procedures sufficient to ~~assure~~
27 **ensure** that the incinerator receives and burns only waste referred
28 to in subdivision (a).

29 (c) The incinerator meets the requirements of this part and

1 the rules promulgated under this part.

2 (d) The incinerator is not an industrial furnace as defined in
3 40 C.F.R.—**CFR** 260.10.

4 **(16)** ~~(12)~~—"Municipal solid waste incinerator ash" means the
5 substances remaining after combustion in a municipal solid waste
6 incinerator.

7 **(17)** ~~(13)~~—"Municipality" means a city, village, township, or
8 Indian tribe.

9 **(18)** **"Newly regulated waste" means hazardous waste identified,**
10 **listed, or characterized after the effective date of the amendatory**
11 **act that added this subsection, including, but not limited to, the**
12 **following:**

13 **(a) Waste that becomes regulated as hazardous due to changes**
14 **in state or federal law or regulations.**

15 **(b) Emerging contaminants that are classified as hazardous**
16 **waste.**

17 **(c) New categories of pharmaceutical or other wastes that**
18 **become subject to hazardous waste regulations.**

19 **(19)** ~~(14)~~—"On site" means on the same or geographically
20 contiguous property that may be divided by a public or private
21 right-of-way if the entrance and exit between the pieces of
22 property are at a crossroads intersection and access is by crossing
23 rather than going along the right-of-way. On site property includes
24 noncontiguous pieces of property owned by the same person but
25 connected by a right-of-way that the owner controls and to which
26 the public does not have access.

27 Sec. 11104. (1) "Operator" means the person responsible for
28 the overall operation of a disposal, treatment, or storage facility
29 with approval of the department either by contract or license.

1 (2) "Site identification number" means a number that is
2 assigned by the United States Environmental Protection Agency or
3 the United States Environmental Protection Agency's designee to
4 each generator, each transporter, and each treatment, storage, or
5 disposal facility. If the generator or transporter or the
6 treatment, storage, or disposal facility manages wastes that are
7 hazardous under this part and the rules promulgated under this part
8 but are not hazardous under the solid waste disposal act, site
9 identification number means an equivalent number that is assigned
10 by the department.

11 (3) "Solid waste" means that term as it is defined in part
12 115.

13 (4) "Storage" means the holding of hazardous waste for a
14 temporary period at the end of which the hazardous waste is
15 treated, disposed of, or stored elsewhere.

16 (5) "Storage facility" means a facility or part of a facility
17 where managed hazardous waste, as defined by rule, is subject to
18 storage. A generator who accumulates managed hazardous waste, as
19 defined by rule, on site in containers or tanks for less than 91
20 days or a period of time prescribed by rule is not a storage
21 facility.

22 (6) "Surface impoundment" or "impoundment" means a treatment,
23 storage, or disposal facility or part of a treatment, storage, or
24 disposal facility that is a natural topographic depression, human-
25 made excavation, or diked area formed primarily of earthen
26 materials, although it may be lined with human-made materials, that
27 is designed to hold an accumulation of liquid wastes or wastes
28 containing free liquids, and that is not an injection well. Surface
29 impoundments include, but are not limited to, holding, storage,

1 settling, and aeration pits, ponds, and lagoons.

2 (7) "Technologically enhanced naturally occurring radioactive
3 material" or "TENORM" means naturally occurring radioactive
4 material whose radionuclide concentrations have been increased as a
5 result of human practices. TENORM does not include ~~any of the~~
6 ~~following:~~

7 ~~(a) Source material, as defined in section 11 of the atomic~~
8 ~~energy act of 1954, 42 USC 2014, and its progeny in equilibrium.~~

9 ~~(b) Material~~ **material** with concentrations of radium-226,
10 radium-228, and lead-210 each less than 5 picocuries per gram.

11 (8) "The solid waste disposal act" means title II of Public
12 Law 89-272.

13 (9) "Transporter" means a person engaged in the off-site
14 transportation of hazardous waste by air, rail, highway, or water.

15 (10) "Treatment" means any method, technique, or process,
16 including neutralization, designed to change the physical,
17 chemical, or biological character or composition of any hazardous
18 waste, to neutralize the waste, to recover energy or material
19 resources from the waste, or to render the waste nonhazardous or
20 less hazardous, safer to transport, store, or dispose of, amenable
21 to recovery, amenable to storage, or reduced in volume. Treatment
22 includes any activity or processing designed to change the physical
23 form or chemical composition of hazardous waste so as to render it
24 nonhazardous.

25 (11) "Treatment facility" means a facility or part of a
26 facility where managed hazardous waste, as defined by rule, is
27 subject to treatment.

28 (12) "Updated plan" means the updated state hazardous waste
29 management plan prepared under section 11110.

1 (13) "Vehicle" means a transport vehicle as defined in 49 CFR
2 171.8.

3 Sec. 11108. (1) Except as otherwise provided in this section,
4 ~~each~~**the** owner or operator of a landfill shall pay to the
5 department a fee assessed on hazardous waste disposed of in the
6 landfill. The fee shall be based on the quantity of hazardous waste
7 specified on the manifest or monthly operating report and, **through**
8 **December 31, 2025**, shall be \$10.00 per ton, \$10.00 per cubic yard,
9 or 1/2 cent per pound, depending on the unit of measure used by the
10 owner or operator to calculate the fee. **Subject to subsection (7),**
11 **beginning January 1, 2026, the fee shall be \$25.00 per ton, \$25.00**
12 **per cubic yard, or 1.25 cents per pound, depending on the unit of**
13 **measure used by the owner or operator to calculate the fee.** The fee
14 for fractional quantities of hazardous waste shall be proportional.
15 If the hazardous waste is required to be listed on a manifest and
16 the owner or operator of the landfill determines that the hazardous
17 waste quantity on the manifest is not accurate, the owner or
18 operator shall correct the hazardous waste quantity on all manifest
19 copies accompanying the shipment, note the reason for the change in
20 the discrepancy indication space on the manifest, and assess the
21 fee in accordance with the corrected hazardous waste quantity.
22 Payment shall be made within 30 days after the close of each
23 quarter. The landfill owner or operator shall assess off-site
24 generators the fee. The fee for hazardous waste that is generated
25 and disposed of on the site of a landfill owner or operator shall
26 be paid by that owner or operator.

27 (2) Except as otherwise provided in this section, each owner
28 or operator of a solidification facility licensed pursuant to
29 section 11123 shall pay to the department a fee assessed on

1 hazardous waste received at the solidification facility. The fee
2 shall be based on the quantity of hazardous waste specified on the
3 manifest or monthly operating report and, **through December 31,**
4 **2025,** shall be \$10.00 per ton, \$10.00 per cubic yard, 4 cents per
5 gallon, or 1/2 cent per pound, depending on the unit of measure
6 used by the owner or operator to calculate the fee. **Subject to**
7 **subsection (7), beginning January 1, 2026, the fee shall be \$25.00**
8 **per ton, \$25.00 per cubic yard, 10 cents per gallon, or 1.25 cents**
9 **per pound, depending on the unit of measure used by the owner or**
10 **operator to calculate the fee.** The fee for fractional quantities of
11 hazardous waste shall be proportional. If the hazardous waste is
12 required to be listed on a manifest and the owner or operator of
13 the solidification facility determines that the hazardous waste
14 quantity on the manifest is not accurate, the owner or operator
15 shall correct the hazardous waste quantity on all manifest copies
16 accompanying the shipment, note the reason for the change in the
17 discrepancy indication space on the manifest, and assess the fee in
18 accordance with the corrected hazardous waste quantity. Payment
19 shall be made within 30 days after the close of each quarter. The
20 solidification facility owner or operator shall assess off-site
21 generators the fee. The fee for hazardous waste that is generated
22 and solidified on the site of a solidification owner or operator
23 shall be paid by that owner or operator.

24 (3) The following hazardous waste is exempt from the fees
25 provided for in this section:

26 (a) Ash that results from the incineration of hazardous waste
27 or the incineration of solid waste as defined in part 115.

28 (b) Hazardous waste exempted by rule because of its character
29 or the treatment it has received.

1 (c) Hazardous waste that is removed as part of a site cleanup
2 activity at the expense of this state or the federal government.

3 (d) Solidified hazardous waste produced by a solidification
4 facility licensed pursuant to section 11123 and destined for land
5 disposal.

6 (e) Hazardous waste generated pursuant to a 1-time closure or
7 site cleanup activity in this state if the closure or cleanup
8 activity has been authorized in writing by the department.

9 Hazardous waste resulting from the cleanup of inadvertent releases
10 ~~which~~**that** occur after March 30, 1988 is not exempt from the fees.

11 (f) Primary and secondary wastewater treatment solids from a
12 wastewater treatment plant that includes an aggressive biological
13 treatment facility as defined in 42 USC 6925.

14 (g) Emission control dust or sludge from the primary
15 production of steel in electric furnaces.

16 (4) An owner or operator of a landfill or solidification
17 facility shall assess or pay the fee described in this section
18 unless the generator provides a signed written certification
19 indicating that the hazardous waste is exempt from the fee. If the
20 hazardous waste that is exempt from the fee is required to be
21 listed on a manifest, the certification shall contain the manifest
22 number of the shipment and the specific fee exemption for which the
23 hazardous waste qualifies. If the hazardous waste that is exempt
24 from the fee is not required to be listed on a manifest, the
25 certification shall provide the ~~volume~~**quantity** of exempt hazardous
26 waste, the waste code or waste codes of the exempt waste, the date
27 of disposal or solidification, and the specific fee exemption for
28 which the hazardous waste qualifies. The owner or operator of the
29 landfill or solidification facility shall retain this certification

1 for 4 years from the date of receipt.

2 (5) The department or a health department certified pursuant
3 to section 11145 shall evaluate the accuracy of generator fee
4 exemption certifications and shall take enforcement action against
5 a generator who files a false certification. In addition, the
6 department shall take enforcement action to collect fees that are
7 not paid as required by this section.

8 ~~(6) The landfill owner or operator and the~~ **A landfill or**
9 solidification facility owner or operator shall forward to the
10 department the fee revenue due under this section with a completed
11 form that is provided or approved by the department. The owner or
12 operator shall certify that all information provided in the form is
13 accurate. The form shall include the following information:

14 (a) The ~~volume~~ **quantity** of hazardous waste subject to a fee.

15 (b) The name of each generator who was assessed a fee, the
16 generator's identification number, manifest numbers, hazardous
17 waste ~~volumes~~, **quantities**, and the amount of the fee assessed.

18 ~~(7) A generator is eligible for a refund from this state of~~
19 ~~fees paid under this section if the generator documents to the~~
20 ~~department, on a form provided by the department, a reduction in~~
21 ~~the amount of hazardous waste generated as a result of a process~~
22 ~~change, or a reduction in the amount of hazardous waste disposed of~~
23 ~~in a landfill, either directly or following solidification at a~~
24 ~~solidification facility, as a result of a process change or the~~
25 ~~generator's increased use of source separation, input substitution,~~
26 ~~process reformulation, recycling, treatment, or an exchange of~~
27 ~~hazardous waste that results in a utilization of that hazardous~~
28 ~~waste. The refund shall be in the amount of \$10.00 per ton, \$10.00~~
29 ~~per cubic yard, 4 cents per gallon, or 1/2 cent per pound of~~

~~reduction in the amount of hazardous waste generated or disposed of in a landfill. A generator is not eligible to receive a refund for that portion of a reduction in the amount of hazardous waste generated that is attributable to a decrease in the generator's level of production of the products that resulted in the generation of the hazardous waste.~~

~~(8) A generator seeking a refund under subsection (7) shall calculate the refund due by comparing hazardous waste generation, treatment, and disposal activity in the calendar year immediately preceding the date of filing with hazardous waste generation, treatment, and disposal activity in the calendar year 2 years prior to the date of filing. To be eligible for a refund, a generator shall file a request with the department by June 30 of the year following the year for which the refund is being claimed. A refund shall not exceed the total fees paid by the generator to the landfill operator or owner and the solidification facility operator or owner. A form submitted by the generator as provided for in subsection (7) shall be certified by the generator or the generator's authorized agent.~~

(7) Beginning January 1, 2031, and every fifth year thereafter, the state treasurer shall adjust each of the current fees under this section by an amount determined by the state treasurer to reflect the cumulative percentage change in the Consumer Price Index during the most recent 5-year period for which Consumer Price Index statistics are available. As used in this subsection, "Consumer Price Index" means the most comprehensive index of consumer prices available for this state from the Bureau of Labor Statistics of the United States Department of Labor, or a successor agency.

1 (8) ~~(9)~~—The department shall maintain information regarding
2 the landfill disposal fees received ~~and refunds provided~~ under this
3 section.

4 (9) ~~(10)~~—The fees collected under this section shall be
5 forwarded to the state treasurer and deposited **as follows:**

6 (a) **55% in the cleanup and redevelopment fund created in**
7 **section 20108.**

8 (b) **20% in the community surcharge reimbursement fund created**
9 **in section 11525a(6).**

10 (c) **15% in the host communities grant fund created in section**
11 **11525a(7).**

12 (d) **10% percent in the materials management planning fund**
13 **created in section 11525a(8).** ~~in the environmental pollution~~
14 ~~prevention fund created in section 11130. Any balance in the waste~~
15 ~~reduction fund on October 1, 2013 shall not lapse to the general~~
16 ~~fund but shall be transferred to the environmental pollution~~
17 ~~prevention fund and the waste reduction fund shall be closed. Money~~
18 ~~from the environmental pollution prevention fund shall be expended,~~
19 ~~upon appropriation, only for 1 or more of the following purposes:~~

20 ~~(a) To pay refunds to generators under this section. (b) To~~
21 ~~fund programs created under this part, part 143, part 145, or the~~
22 ~~hazardous materials transportation act, 1998 PA 138, MCL 29.471 to~~
23 ~~29.480.~~

24 ~~(c) Not more than \$500,000.00 to implement section 3103a.~~

25 ~~(d) To fund the permit to install program established under~~
26 ~~section 5505.~~

27 Sec. 11109. (1) The owner or operator of a landfill shall pay
28 to the department a fee assessed on TENORM disposed of in the
29 landfill. The fee, **through December 31, 2025,** is \$5.00 per ton. 7

1 Beginning January 1, 2026, the fee is \$12.50 per ton. Beginning
2 January 1, 2031, and every fifth year thereafter, the state
3 treasurer shall adjust the current fee under this subsection by an
4 amount determined by the state treasurer to reflect the cumulative
5 percentage change in the Consumer Price Index during the most
6 recent 5-year period for which Consumer Price Index statistics are
7 available. As used in this subsection, "Consumer Price Index" means
8 the most comprehensive index of consumer prices available for this
9 state from the Bureau of Labor Statistics of the United States
10 Department of Labor, or a successor agency. The fee shall be based
11 on the quantity of TENORM specified on the monthly operating
12 report. The fee for fractional tons of TENORM shall be
13 proportional. The fee shall be paid within 30 days after the end of
14 each calendar year quarter.

15 (2) The department shall take enforcement action to collect
16 fees that are not paid as required by this section.

17 (3) The landfill owner or operator shall forward to the
18 department the fee revenue due under this section with a completed
19 form that is provided or approved by the department. The owner or
20 operator shall certify that all information provided in the form is
21 accurate. The form shall specify the ~~volume~~**weight** of TENORM
22 disposed of at the landfill during the preceding calendar quarter
23 and the amount of fee revenue being forwarded to the department.

24 (4) The department shall maintain information regarding the
25 fees collected under this section.

26 (5) The TENORM account is created within the environmental
27 pollution prevention fund created in section 11130. The department
28 shall forward fees collected under this section to the state
29 treasurer for deposit **as follows:**

1 (a) 55% in the cleanup and redevelopment fund created in
2 section 20108.

3 (b) 20% in the community surcharge reimbursement fund created
4 in section 11525a(6).

5 (c) 15% in the host communities grant fund created in section
6 11525a(7).

7 (d) 10% in the materials management planning fund created in
8 section 11525a(8). ~~in the TENORM account. The state treasurer may~~
9 ~~receive money or other assets from any other source for deposit~~
10 ~~into the account. The state treasurer shall direct the investment~~
11 ~~of the account. The state treasurer shall credit to the account~~
12 ~~interest and earnings from account investments. Money remaining in~~
13 ~~the account at the close of the fiscal year shall not lapse to the~~
14 ~~general fund.~~

15 ~~(6) Money from the TENORM account shall be expended, upon~~
16 ~~appropriation, only for 1 or more of the following purposes:~~

17 ~~(a) To pay refunds to generators under this section.~~

18 ~~(b) To fund the department's regulation and oversight of the~~
19 ~~disposal of TENORM in this state.~~

20 ~~(c) To provide grants to local units of government and~~
21 ~~landfill operators to obtain equipment to monitor TENORM radiation.~~

22 Sec. 11110. (1) ~~Not later than January 1, 1990, By 5 years~~
23 **after the effective date of the amendatory act that added section**
24 **11122 and every 5 years thereafter,** the department shall prepare an
25 ~~updated and adopt a comprehensive, updated~~ state hazardous and LARM
26 waste management plan.

27 (2) The updated plan shall **meet all of the following**
28 **requirements:**

29 ~~(a) Update the state hazardous waste management plan adopted~~

1 ~~by the commission on January 15, 1982.~~

2 (a) ~~(b)~~ Be based ~~upon~~ **on the** location of generators, health
3 and safety, **transportation** economics, ~~of transporting, type~~ **types**
4 of waste, and existing treatment, storage, or disposal facilities.

5 ~~(c) Include information generated by the department of~~
6 ~~commerce and the department on hazardous waste capacity needs in~~
7 ~~the state.~~

8 ~~(d) Include information provided by the office of waste~~
9 ~~reduction created in part 143.~~

10 (b) ~~(c)~~ Plan for the availability of hazardous waste treatment
11 or disposal facilities that have adequate capacity for the
12 destruction, treatment, or secure disposition of all hazardous
13 wastes that are reasonably expected to **Based on information**
14 **included in the plan under subdivision (f), specify a maximum**
15 **licensed capacity for hazardous and LARM waste treatment, storage,**
16 **or disposal facilities. The maximum capacity shall equal the amount**
17 **of hazardous and LARM waste that the department determines will be**
18 **generated within the in this** state during the ~~20-year~~ **succeeding 5-**
19 **year** period. ~~after October 1, 1988, as is described in section~~
20 ~~104(c) (9) (A) of title I of the comprehensive environmental~~
21 ~~response, compensation, and liability act of 1980, Public Law 96-~~
22 ~~510, 42 U.S.C. 9604.~~ **The maximum capacity shall not be changed until**
23 **the next 5-year update of the plan is adopted.**

24 (c) Do all of the following:

25 (i) Identify areas of this state that would be eligible for
26 siting hazardous waste treatment, storage, or disposal facilities
27 in compliance with section 11125(9) .

28 (ii) Map the eligible areas in relation to all of the
29 following:

1 (A) Current and projected locations of hazardous waste
2 generation.

3 (B) Existing transportation infrastructure.

4 (C) Emergency response capabilities.

5 (D) Relevant environmental and geological conditions.

6 (iii) Propose specific siting criteria that establish minimum
7 separation distances between treatment, storage, and disposal
8 facilities and the following:

9 (A) Schools, child care centers, and other educational
10 institutions.

11 (B) Hospitals, nursing homes, and other medical facilities.

12 (C) Residential areas and places of public assembly.

13 (D) Surface water bodies, wetlands, and groundwater recharge
14 areas.

15 (E) Parks, recreation areas, and protected natural areas.

16 (F) Agricultural lands and food processing facilities.

17 (G) Critical infrastructure, including public water supplies.

18 (d) ~~(f) Plan~~ **Provide** for a reasonable geographic distribution
19 of **and propose siting criteria for** treatment, storage, and disposal
20 facilities to meet existing and future needs, ~~including proposing~~
21 ~~criteria for determining acceptable locations for these facilities.~~
22 **comply with section 11125(9), and prevent the concentration of**
23 **facilities in communities overburdened by pollution.** The siting
24 criteria shall include a consideration of a location's geology,
25 geography, demography, **and** waste generation patterns, along with
26 environmental factors, public health factors, and other relevant
27 characteristics as determined by the department.

28 (e) ~~(g) Emphasize~~ **Provide for** a shift ~~away from the practice~~
29 ~~of~~ landfiling hazardous waste ~~and toward~~ **to** the in-plant reduction

1 of hazardous waste and the recycling and treatment of hazardous
2 waste.

3 (f) ~~(h)~~ Include ~~necessary~~ **all of the following:**

4 (i) **An analysis of all hazardous and LARM waste streams**
5 **generated in this state, including waste volumes, classifications,**
6 **and locations of origin.**

7 (ii) **An inventory and assessment of current in-state hazardous**
8 **and LARM waste management capacity using information generated by**
9 **the department of environment, Great Lakes, and energy and the**
10 **department of labor and economic growth.**

11 (iii) **Projections of future in-state hazardous and radioactive**
12 **waste generation.**

13 (iv) **Recommendations for state policies and programs to**
14 **minimize hazardous and LARM waste generation.**

15 (v) **An evaluation of hazardous and LARM waste reduction,**
16 **recycling, and treatment technologies and best practices.**

17 (vi) **A study and recommendation on whether this state should**
18 **seek membership in an interstate low-level radioactive waste**
19 **compact.**

20 (vii) **Necessary** legislative, administrative, and economic
21 ~~mechanisms,~~ **provisions,** and a timetable to carry out the **updated**
22 **plan.**

23 (3) The department shall ~~instruct the office of waste~~
24 ~~reduction created in part 143 to complete~~ **conduct** studies as
25 considered necessary ~~for the completion of~~ **to complete** the updated
26 plan. The studies may include **any of the following:**

27 (a) An inventory and evaluation of the sources of hazardous
28 **and LARM** waste generation within this state or from other states,
29 including the types, quantities, and chemical and physical

1 characteristics of the ~~hazardous~~ waste.

2 (b) An inventory and evaluation of current hazardous **and LARM**
3 waste management, minimization, or reduction practices and costs,
4 including treatment, disposal, on-site recycling, reclamation, and
5 other forms of source reduction within this state.

6 (c) A projection or determination of future hazardous **and LARM**
7 waste management needs based on **section 11125(8) and** an evaluation
8 of existing capacities; ~~7~~ treatment or disposal capabilities; ~~7~~
9 manufacturing activity, limitations, and constraints; ~~7~~ ~~Projection~~
10 ~~of needs shall consider the types, and sizes, and general locations~~
11 of treatment, storage, or disposal facilities ~~7~~ ~~general locations~~
12 ~~within the~~ **in this** state; ~~7~~ ~~and~~ management control systems. ~~7~~ ~~and~~
13 ~~an identified need for a state owned treatment, storage, or~~
14 ~~disposal facility.~~

15 (d) An investigation and analysis of methods, incentives, or
16 technologies for source reduction, reuse, recycling, or recovery of
17 potentially hazardous **and LARM** waste and a strategy for encouraging
18 the utilization or reduction of hazardous **and LARM** waste.

19 (e) An investigation and analysis of methods and incentives to
20 encourage interstate and international cooperation in the
21 management of hazardous **and LARM** waste.

22 (f) An estimate of the public and private cost of treating,
23 storing, or disposing of hazardous **and LARM** waste.

24 (g) An investigation and analysis of alternate methods for
25 treatment and disposal of hazardous **and LARM** waste.

26 ~~(4) If the department finds in preparing the updated plan that~~
27 ~~there is a need for additional treatment or disposal facilities in~~
28 ~~the state, then the department shall identify incentives the state~~
29 ~~could offer that would encourage the construction and operation of~~

~~additional treatment or disposal facilities in the state that are consistent with the updated plan. The department shall propose criteria which could be used in evaluating applicants for the incentives.~~

(4) ~~(5)~~ Upon completion of the **proposed** updated plan, the department shall **post the updated plan on its publicly accessible website**, publish a notice in ~~a number of 2 or more~~ newspapers having major circulation within ~~the~~**this** state as determined by the department, and ~~shall~~ issue a statewide news release announcing the availability of the updated plan for inspection or purchase at cost by interested persons. The ~~announcement~~**notice and news release** shall indicate where and how the updated plan may be obtained or reviewed and shall indicate that not less than 6 public hearings shall be conducted at varying locations in ~~the~~**this** state before ~~formal adoption. the plan is adopted.~~ The first public hearing shall ~~not be held until~~**not less than** 60 days ~~have elapsed from~~**after** the date of the notice **and news release** announcing the availability of the updated plan. The remaining public hearings shall be held within 120 days after the first public hearing at approximately equal time intervals.

(5) ~~(6)~~ After the public hearings, the department shall prepare a written summary of the comments received, provide ~~comments on~~**responses to** the major concerns raised, make amendments to the **proposed** updated plan **that the department considers advisable**, and ~~determine whether the updated plan should be adopted.~~**adopt the proposed updated plan.**

Sec. 11122. (1) Until 5 years after the effective date of the amendatory act that added this section, or until the first updated state hazardous and LARM waste management plan required under

1 section 11110 after the effective date of the amendatory act that
2 added this section is adopted and implemented, whichever is later,
3 the department shall not do any of the following, except as
4 provided in subsection (2) or (3):

5 (a) Issue an operating license for a new multisource
6 commercial hazardous waste treatment, storage, or disposal facility
7 under section 11125.

8 (b) Amend an operating license for an existing multisource
9 commercial hazardous waste treatment, storage, or disposal facility
10 in a manner that authorizes the expansion of operations, overall
11 capacity, or the facility.

12 (2) Subsection (1)(b) does not prohibit any of the following
13 amendments to existing operating licenses:

14 (a) Amendments necessary to maintain compliance with this act
15 or rules promulgated under this act.

16 (b) Amendments made to incorporate new requirements imposed by
17 this act or rules promulgated under this act.

18 (c) Amendments limited to the capacity needed to manage the
19 amount of newly regulated wastes to be generated in this state
20 during the succeeding 5-year period, as determined by the
21 department based on waste generation data and projections.

22 (3) Any capacity authorized by an amendment described in
23 subsection (2) shall be included in calculating the total licensed
24 capacity under section 11125(8).

25 Sec. 11125. (1) Upon receipt of an operating license
26 application that complies with the requirements of section
27 11123(2), the department shall do all of the following:

28 (a) Notify the municipality and county in which the treatment,
29 storage, or disposal facility is located or proposed to be located;

1 ~~a-the~~ local soil erosion and sedimentation control agency appointed
 2 pursuant to part 91; each division within the department that has
 3 responsibility in land, air, or water management; ~~a-the~~ regional
 4 planning agency established by executive directive of the governor;
 5 and other appropriate agencies. The notice shall describe the
 6 procedure by which the license may be approved or denied.

7 (b) Review the plans of the proposed treatment, storage, or
 8 disposal facility to determine if the proposed operation complies
 9 with this part and the rules promulgated under this part. The
 10 review shall be made within the department. The review shall
 11 include, but need not be limited to, a review of air quality, water
 12 quality, waste management, hydrogeology, and the applicant's
 13 disclosure statement. A written and signed review by each person
 14 within the department reviewing the application and plans ~~shall~~
 15 **must** be ~~received and~~ filed in the department's license application
 16 records before an operating license is issued or denied by the
 17 department.

18 (c) Integrate the relevant provisions of all permits that the
 19 applicant is required to obtain from the department to construct
 20 the proposed treatment, storage, or disposal facility into the
 21 operating license required by this part.

22 (d) Consider the mitigation measures proposed to be
 23 implemented as identified in section 11123(2)(m).

24 (e) Hold a public hearing ~~not more than~~ **within** 60 days. ~~after~~
 25 ~~receipt of the application.~~

26 (2) The department may establish operating license conditions
 27 specifically applicable to the treatment, storage, or disposal
 28 facility and operation at that site to mitigate adverse impacts.

29 (3) The department shall provide notice and an opportunity for

1 a public hearing before making a final decision on an operating
2 license application.

3 (4) The department shall make a final decision on an operating
4 license application within 140 days after the department receives a
5 complete application. However, if ~~the~~**this** state's hazardous waste
6 management program is authorized by the United States environmental
7 protection agency under section 3006 of subtitle C of the solid
8 waste disposal act, 42 USC 6926, the department may extend the
9 deadline beyond the limitation provided in this section in order to
10 fulfill the public participation requirements of the solid waste
11 disposal act. The operating license may contain stipulations
12 specifically applicable to **the** site and operation.

13 (5) A local ordinance, permit, or other requirement shall not
14 prohibit the operation of a licensed treatment, storage, or
15 disposal facility.

16 (6) If any information required to be included in the
17 disclosure statement required under section 11123 changes or is
18 supplemented after the filing of the statement, the applicant or
19 licensee shall provide that information to the department in
20 writing within 30 days after the change or addition.

21 (7) The department may deny an operating license application
22 submitted pursuant to section 11123 if any information described in
23 section 11123(2)(k)(ii) to (iv) was not disclosed as required in
24 section 11123(2) or this section.

25 **(8) After the moratorium under section 11122 ends, the**
26 **department shall not issue an operating license for a new**
27 **multisource commercial hazardous waste treatment, storage, or**
28 **disposal facility or the expansion of an existing facility if doing**
29 **so would cause the total licensed capacity to exceed 1/5 of the**

1 limit established in the current state hazardous and LARM waste
2 management plan under section 11110(2)(b). For the purposes of this
3 subsection, "total licensed capacity" means the maximum amount of
4 waste that all treatment, storage, or disposal facilities in this
5 state are authorized to manage annually under their current
6 operating licenses.

7 (9) Subject to subsection (10), the department shall not issue
8 a license or approval to establish or expand a multisource
9 commercial hazardous waste treatment, storage, or disposal
10 facility, including, but not limited to, a class I well, if any of
11 the following apply:

12 (a) The new facility or expansion is proposed to be located in
13 a city, village, township, or county where any of the following
14 apply:

15 (i) Another multisource hazardous waste treatment, storage, or
16 disposal facility, class I well, or class IV well is currently
17 operating.

18 (ii) Another multisource hazardous waste treatment, storage, or
19 disposal facility, class I well, or class IV well has operated
20 within the past 25 years, unless all of the following requirements
21 are met:

22 (A) The owner or operator of the facility or well described in
23 this subparagraph completes closure and postclosure care in
24 accordance with all applicable state and federal requirements.

25 (B) The department certifies completion of all corrective
26 action requirements.

27 (C) The department determines, after conducting a cumulative
28 impact analysis, that siting a new facility or expanding an
29 existing facility in the area would not disproportionately affect

1 overburdened communities or populations.

2 (b) The new facility or expansion is proposed to be located
3 within 50 miles of a currently operating treatment, storage, or
4 disposal facility, class I well, or class IV well that manages
5 hazardous waste generated by a person other than the owner or
6 operator or its subsidiaries.

7 (c) Any of the following apply to a census tract within a 3-
8 mile radius of the facility's proposed location:

9 (i) The population density exceeds the state average population
10 density by 50% or more, based on the most recent census data.

11 (ii) The percentage of population in households where the
12 household income is less than or equal to twice the federal poverty
13 level equals or exceeds the eightieth percentile for census tracts
14 in this state.

15 (iii) The overall score, as measured by MiEJScreen or its
16 equivalent, for any census tract within a 3-mile radius meets or
17 exceeds the eightieth percentile of census tracts in this state.

18 (10) Subsection (9) does not apply to the expansion of a
19 captive nonhazardous waste disposal well.

20 (11) ~~(8)~~ The department shall provide notice of the final
21 decision **on an operating license application** to persons on the
22 organized mailing list for the facility.

23 (12) ~~(9)~~ Following the construction of a new, expanded,
24 enlarged, or altered treatment, storage, or disposal facility, the
25 department shall review all information required ~~to be submitted by~~
26 the operating license **to be submitted to the department**. If the
27 department finds that the owner or operator has deviated from the
28 specific conditions established in the operating license, the
29 department shall determine if cause exists for modification or

1 revocation of the operating license, in accordance with provisions
 2 established by rule. At a minimum, the ~~postconstruction~~
 3 ~~documentation~~ **information** shall include all of the following:

4 (a) Updated disclosure information or a certification as
 5 described in section 11123(2) (n) (i) .

6 (b) A certification of construction as described in section
 7 11123(2) (n) (ii) . The department shall require additional
 8 certification periodically during the operation or in order to
 9 verify proper closure of the site.

10 (c) A certification of capability signed and sealed by a
 11 licensed professional engineer as described in section
 12 11123(2) (n) (iii) .

13 (d) Information regarding any deviations from the specific
 14 conditions in the operating license.

15 (e) Proof of financial responsibility **for which this state is**
 16 **the sole beneficiary and that is any of the following:**

17 (i) **A surety bond issued by an authorized insurer whose**
 18 **certificate of authority is in good standing.**

19 (ii) **A cash account.**

20 (iii) **An automatically annually renewing certificate of deposit.**

21 Sec. 11132. (1) ~~Except as otherwise provided in this section,~~
 22 ~~a~~ **A** person shall not deliver to a landfill in this state for
 23 disposal and the owner or operator of a landfill shall not permit
 24 disposal in the landfill of **any of the following:**

25 (a) TENORM with any of the following:

26 (i) ~~(a)~~ A concentration of radium-226 more than 50 picocuries
 27 per gram.

28 (ii) ~~(b)~~ A concentration of radium-228 more than 50 picocuries
 29 per gram.

1 (iii) ~~(e)~~ A concentration of lead-210 more than 260 picocuries
2 per gram.

3 (b) **Waste with concentrations greater than 260 picocuries per**
4 **gram for potassium-40 or greater than 25 picocuries per gram for**
5 **any other single radionuclide.**

6 (2) Except as otherwise specified in the landfill operating
7 license, the owner or operator of a landfill shall not permit a
8 delivery of TENORM for disposal at the landfill unless the
9 generator has provided the following information in writing to the
10 owner or operator of the landfill:

11 (a) The concentrations of radium-226, radium-228, lead-210,
12 and any other radionuclide identified using gamma spectroscopy, or
13 an equivalent analytical method, in the TENORM based on techniques
14 for representative sampling and waste characterization approved by
15 the department.

16 (b) An estimate of the total mass of the TENORM.

17 (c) An estimate of the total radium-226 activity, the total
18 radium-228 activity, and the total lead-210 activity of the TENORM.

19 (d) The proposed date of delivery.

20 (3) The department may test TENORM proposed to be delivered to
21 a landfill.

22 (4) ~~If requested by the owner or operator of a landfill in an~~
23 ~~application for the renewal of or a major modification to an~~
24 ~~operating license, If, before the effective date of the amendatory~~
25 **act that added section 11122,** the department ~~may authorize with~~
26 ~~conditions and limits authorized in the an~~ operating license the
27 disposal of TENORM with concentrations of radium-226 more than 50
28 picocuries per gram, radium-228 more than 50 picocuries per gram,
29 or lead-210 more than 260 picocuries per gram, or any combination

1 thereof, but not more than 500 picocuries per gram for each
 2 radionuclide, ~~—An the~~ operating license ~~under this part with such~~
 3 ~~an authorization~~ constitutes a license from ~~the~~ **this** state's
 4 radiation control authority under part 135 of the public health
 5 code, 1978 PA 368, MCL 333.13501 to 333.13537, **to possess the**
 6 **TENORM** if the conditions and procedures for issuance of the
 7 operating license under this part ~~are~~ **were** sufficient to satisfy
 8 the licensing requirements of part 135 of the public health code,
 9 1978 PA 368, MCL 333.13501 to 333.13537. **The disposal of TENORM**
 10 **described in this subsection after the effective date of the**
 11 **amendatory act that added section 11122 is prohibited.**

12 ~~(5) A request under subsection (4) shall include all of the~~
 13 ~~following:~~

14 ~~(a) A radiation safety program that addresses all of the~~
 15 ~~following:~~

16 ~~(i) Personnel radiation protection.~~

17 ~~(ii) Worker training.~~

18 ~~(iii) Radiation surveys.~~

19 ~~(iv) Radiation instrument calibration.~~

20 ~~(v) Receipt and disposal of radioactive material.~~

21 ~~(vi) Emergency procedures.~~

22 ~~(vii) Record keeping.~~

23 ~~(b) A report evaluating the risks of exposure to residual~~
 24 ~~radioactivity through all relevant pathways using a generally~~
 25 ~~accepted industry model such as the Argonne National Laboratory~~
 26 ~~RESRAD family of codes or, if approved by the department, another~~
 27 ~~model. The report shall evaluate potential radiation doses to site~~
 28 ~~workers and members of the public during site operation and after~~
 29 ~~site closure. The report shall use reasonable scenarios to evaluate~~

1 ~~the dose to members of the public.~~

2 ~~(c) A description of any steps necessary to ensure the annual~~
3 ~~dose to members of the public during landfill operation and after~~
4 ~~site closure will be less than 25 millirem.~~

5 ~~(d) A description of an environmental monitoring program under~~
6 ~~subsection (6).~~

7 (5) ~~(6)~~ If TENORM is disposed at a landfill, the operator of
8 the landfill shall conduct a monitoring program that complies with
9 all of the following:

10 (a) Radiological monitoring of site workers and at the
11 landfill property boundary are conducted as specified in the
12 license.

13 (b) Radium-226, radium-228, and lead-210 are included among
14 the parameters analyzed in leachate and groundwater at the
15 frequency specified in the license.

16 (c) Penetrating radiation, radioactivity in air, and radon in
17 air are measured as specified in the operating license if the
18 landfill ~~is~~ **was** used to dispose of TENORM with a concentration of
19 radium-226 more than 50 picocuries per gram, radium-228 more than
20 50 picocuries per gram, or lead-210 more than 260 picocuries per
21 gram.

22 (d) Results of all monitoring required under this subsection
23 are included in the environmental monitoring reports required under
24 rules promulgated under this part and the facility operating
25 license.

26 (6) ~~(7)~~ The owner or operator of a landfill shall submit to
27 the department by March 15 each year a report that summarizes the
28 information obtained under subsection (2) for all TENORM disposed
29 at the landfill during the previous calendar year.

1 (7) ~~(8)~~—The owner or operator of a landfill shall do both of
2 the following:

3 (a) Ensure that all TENORM is deposited at least 10 feet below
4 the bottom of the future landfill cap.

5 (b) Maintain records of the location and elevation of TENORM
6 disposed of at the landfill.

7 **(8) A person shall not mix TENORM with any material for the**
8 **purposes of reducing the concentration of radium-226, radium-228,**
9 **or lead-210, if the regulation of the resulting material under this**
10 **part or part 115 is affected. A person shall not store or dispose**
11 **of the resulting material except in compliance with the provisions**
12 **of this part or part 115 applicable to the TENORM before the mixing**
13 **occurred.**

14 **(9) This part does not apply to materials or activities listed**
15 **in section 1(2) of 1978 PA 113, MCL 325.491.**

16 Sec. 11514b. (1) A person shall not deliver to a type II
17 landfill in this state for disposal and the owner or operator of a
18 type II landfill shall not permit disposal in the landfill of
19 ~~technologically~~**any of the following:**

20 ~~(a) enhanced naturally occurring radioactive material~~**TENORM**
21 with any of the following:

22 **(i) ~~(a)~~—A concentration of radium-226 more than 50 picocuries**
23 **per gram.**

24 **(ii) ~~(b)~~—A concentration of radium-228 more than 50 picocuries**
25 **per gram.**

26 **(iii) ~~(c)~~—A concentration of lead-210 more than 260 picocuries**
27 **per gram.**

28 **(b) Waste with concentrations greater than 260 picocuries per**
29 **gram for potassium-40 or greater than 50 picocuries per gram for**

1 **any other single radionuclide.**

2 (2) The owner or operator of a type II landfill shall not
3 permit a delivery of TENORM for disposal at the landfill unless the
4 generator has provided the following information in writing to the
5 owner or operator of the landfill:

6 (a) The concentrations of radium-226, radium-228, lead-210,
7 and any other radionuclide identified using gamma spectroscopy, or
8 an equivalent analytical method, in the TENORM based on techniques
9 for representative sampling and waste characterization approved by
10 the department.

11 (b) An estimate of the total mass of the TENORM.

12 (c) An estimate of the total radium-226 activity, the total
13 radium-228 activity, and the total lead-210 activity of the TENORM.

14 (d) The proposed date of delivery.

15 (3) The department may test TENORM proposed to be delivered to
16 a landfill.

17 (4) Within 45 days after the end of each state fiscal year,
18 the owner or operator of a type II landfill shall submit to the
19 department ~~an annual~~ a report that summarizes the information
20 obtained under subsection (2) for all TENORM disposed at the
21 landfill during the previous state fiscal year.

22 (5) The owner or operator of a type II landfill that disposes
23 of TENORM with a concentration of radium-226 more than 25
24 picocuries per gram, a concentration of radium-228 more than 25
25 picocuries per gram, or a concentration of lead-210 more than 25
26 picocuries per gram shall do all of the following:

27 (a) Ensure that all TENORM is deposited at least 10 feet below
28 the bottom of the future landfill cap.

29 (b) Maintain records of the location and elevation of TENORM

1 disposed of at the landfill.

2 (c) Conduct a monitoring program that complies with all of the
3 following:

4 (i) Radiological monitoring of site workers and at the landfill
5 property boundary are conducted as specified in the license.

6 (ii) Radium-226, radium-228, and lead-210 are included among
7 the parameters analyzed in leachate and groundwater at the
8 frequency specified in the license.

9 (iii) Results of all monitoring required under this subsection
10 are included in the environmental monitoring reports required under
11 rules promulgated under this part and the facility operating
12 license.

13 **(6) This part does not apply to materials or activities listed**
14 **in section 1(2) of 1978 PA 113, MCL 325.491.**

15 (7) ~~(6)~~ As used in this section, "technologically enhanced
16 naturally occurring radioactive material" or "TENORM" means
17 naturally occurring radioactive material whose radionuclide
18 concentrations have been increased as a result of human practices.
19 TENORM does not include ~~any of the following:~~

20 ~~(a) Source material, as defined in section 11 of the atomic~~
21 ~~energy act of 1954, 42 USC 2014, and its progeny in equilibrium.~~

22 ~~(b) Material~~ **material** with concentrations of radium-226,
23 radium-228, and lead-210 each less than 5 picocuries per gram.

24 Sec. 11525a. (1) ~~The~~ **Subject to subsection (2), the** owner or
25 operator of a landfill or coal ash impoundment shall pay a
26 surcharge as follows:

27 (a) Except as provided in subdivision (b), for a landfill or
28 coal ash impoundment that is not a captive facility, ~~36 cents~~ **\$1.20**
29 for each ton or portion of a ton of solid waste or municipal solid

1 waste incinerator ash that is disposed of in the landfill or coal
2 ash impoundment. ~~before October 1, 2027.~~

3 (b) For a landfill or coal ash impoundment that is not a
4 captive facility, 12 cents ~~per~~**for each** ton or portion of a ton of
5 foundry sand, slag from metal melting, baghouse dust, furnace
6 refractory brick, pulp and paper mill material, paper mill ash,
7 wood ash, coal bottom ash, mixed wood ash, fly ash, flue gas
8 desulfurization sludge, contaminated soil, cement kiln dust, lime
9 kiln dust, and other industrial waste that weighs at least 1 ton
10 per cubic yard, as determined by the generator.

11 (c) For a type III landfill or coal ash impoundment that is a
12 captive facility and annually receives the following amount of
13 waste, the following annual corresponding surcharge for each state
14 fiscal year, based on the amount of waste received during that
15 fiscal year:

16 (i) 100,000 or more tons of waste, \$3,000.00.

17 (ii) 75,000 or more but less than 100,000 tons of waste,
18 \$2,500.00.

19 (iii) 50,000 or more but less than 75,000 tons of waste,
20 \$2,000.00.

21 (iv) 25,000 or more but less than 50,000 tons of waste,
22 \$1,000.00.

23 (v) Less than 25,000 tons of waste, \$500.00.

24 **(2) Effective October 1, 2030, and every fifth year**
25 **thereafter, the department may increase the surcharges specified in**
26 **subsection (1) and the funding for the solid waste staff account**
27 **specified in subsection (5) (a) by amounts determined by multiplying**
28 **those amounts by the inflation adjustment factor. The department**
29 **shall round the surcharges to the nearest whole cent and the**

1 funding to the nearest \$100.00. The inflation adjustment factor
 2 equals the 3-year average July-June Consumer Price Index for the
 3 period ending during the immediately preceding state fiscal year
 4 divided by the 3-year average July-June Consumer Price Index for
 5 the period ending on June 30, 2030, as determined by the department
 6 of treasury using the Detroit-Warren-Dearborn Consumer Price Index.
 7 However, the inflation adjustment factor must not be less than
 8 1.00.

9 (3) ~~(2)~~ Within 30 days after the end of each quarter of a
 10 state fiscal year, the owner or operator of a landfill or coal ash
 11 impoundment that is not a captive facility shall pay the surcharge
 12 under subsection (1)(a) **or (b)** for waste received during that
 13 quarter of the state fiscal year. Within 30 days after the end of a
 14 state fiscal year, the owner or operator of a type III landfill or
 15 coal ash impoundment that is a captive facility shall pay the
 16 surcharge under subsection ~~(1)(b)~~ **(1)(c)** for waste received during
 17 that state fiscal year.

18 (4) ~~(3)~~ If the owner or operator of a landfill or coal ash
 19 impoundment is required to pay the surcharge under subsection (1),
 20 the owner or operator shall pass through and collect the surcharge
 21 from any person that generated the solid waste or arranged for its
 22 delivery to the hauler or solid waste processing and transfer
 23 facility, notwithstanding the provisions of any agreement to the
 24 contrary or the absence of any agreement.

25 (5) ~~(4)~~ Surcharges collected under this section **before the**
 26 **effective date of the amendatory act that added subsection (6)** must
 27 be forwarded to the state treasurer for deposit in the solid waste
 28 staff account of the solid waste management fund. **Surcharges**
 29 **collected under this section on or after the effective date of the**

1 amendatory act that added subsection (6) must be forwarded to the
2 state treasurer for deposit as follows:

3 (a) The first \$12,000,000.00 each state fiscal year in the
4 solid waste staff account of the solid waste management fund.

5 (b) The balance each state fiscal year as follows:

6 (i) 55% in the cleanup and redevelopment fund created in
7 section 20108.

8 (ii) 20% in the community surcharge reimbursement fund created
9 in subsection (6).

10 (iii) 15% in the host communities grant fund created in
11 subsection (7).

12 (iv) 10% in the materials management planning fund created in
13 subsection (8).

14 (6) The community surcharge reimbursement fund is created in
15 the state treasury. The state treasurer shall deposit money and
16 other assets received under subsection (5) (b) (ii), section
17 11108(9) (b), section 11109(5) (b), or from any other lawful source
18 in the fund. The state treasurer shall direct the investment of
19 money in the fund and credit interest and earnings from the
20 investments to the fund. The department is the administrator of the
21 fund for audits of the fund. Money in the fund at the close of the
22 fiscal year shall remain in the fund and not lapse to the general
23 fund. The department shall expend money from the fund, on
24 appropriation, only for grants to reimburse or partially reimburse
25 municipalities for surcharges and fees paid, whether directly or
26 through a contract with a private hauler, under this section and
27 sections 11108 and 11109 and deposited in the community surcharge
28 reimbursement fund. To obtain a grant, a municipality must file an
29 application with the department during the period of March 1

1 through April 30 each year. The application must be filed on a form
2 and in a medium provided or approved by the department. The
3 application must document the surcharges paid and population of the
4 municipality. After the close of the application period, the
5 department shall promptly distribute grants to municipalities that
6 timely submitted a complete application. A grant shall be
7 proportional to the population of the responsible community. The
8 state treasurer shall annually transfer the fiscal-year-end fund
9 balance in the community surcharge reimbursement fund to the host
10 communities grant fund created in subsection (7).

11 (7) The host communities grant fund is created in the state
12 treasury. The state treasurer shall deposit money and other assets
13 received under subsection (5) (b) (iii), section 11108(9) (c), section
14 11109(5) (c), or from any other lawful source in the fund. The state
15 treasurer shall direct the investment of money in the fund and
16 credit interest and earnings from the investments to the fund. The
17 department is the administrator of the fund for audits of the fund.
18 Money in the fund at the close of the fiscal year shall remain in
19 the fund and not lapse to the general fund. The department shall
20 expend money from the fund, on appropriation, only for annual
21 grants to cities and townships that are the sites of landfills and
22 coal ash impoundments that pay surcharges under this section or
23 fees under section 11108 or 11109. To obtain a grant, a city or
24 township must file an application with the department during the
25 period of November 1 through December 1. The application shall be
26 filed on a form and in a medium provided or approved by the
27 department. The department shall award grants by March 1 to cities
28 and townships that timely submitted a complete application. Each
29 grant shall be equal to the amount of surcharges deposited in the

1 host communities grant fund during the prior state fiscal year from
2 landfills and coal ash impoundments located in the geographical
3 jurisdiction of the respective grant recipient and a proportionate
4 share of money in the fund other than revenue deposited under
5 subsection (5) (b) (iii), section 11108(9) (c), or section 11109(5) (c) .

6 (8) The materials management planning fund is created in the
7 state treasury. The state treasurer shall deposit money and other
8 assets received under subsection (5) (b) (iv), section 11108(9) (d),
9 section 11109(5) (d) or from any other lawful source in the fund.
10 The state treasurer shall direct the investment of money in the
11 fund and credit interest and earnings from the investments to the
12 fund. The department is the administrator of the fund for audits of
13 the fund. Money in the fund at the close of the fiscal year shall
14 remain in the fund and not lapse to the general fund. The
15 department shall expend money from the fund, on appropriation, only
16 for grants for materials management planning, including grants to
17 counties, regional planning agencies, municipalities, and other
18 entities responsible for preparing, implementing, and maintaining
19 materials management plans.

20 (9) As used in this section, "Consumer Price Index" means the
21 most comprehensive index of consumer prices available for the
22 Detroit-Warren-Dearborn area from the Bureau of Labor Statistics of
23 the United States Department of Labor.

24 Sec. 62501. As used in this part:

25 (a) "Artificial brine" means mineralized water formed by
26 dissolving rock salt or other readily soluble rocks or minerals.

27 (b) "Brine well" means a well drilled or converted for the
28 purpose of producing natural or artificial brine.

29 (c) "Class I hazardous waste well" means a class I well

1 described in subdivision (e) (i) .

2 (d) "Class I nonhazardous well" means a class I well described
3 in subdivision (e) (ii) or (iii) .

4 (e) "Class I well" means any of the following:

5 (i) A well that is used by a generator of hazardous waste or
6 the owner or operator of a hazardous waste management facility to
7 inject hazardous waste beneath the lowermost formation that
8 contains all or part of an underground source of drinking water
9 within 1/4 mile of the well bore.

10 (ii) An industrial and municipal disposal well that injects
11 fluids beneath the lowermost formation that contains all or part of
12 an underground source of drinking water within 1/4 mile of the well
13 bore.

14 (iii) A radioactive waste disposal well that injects fluids
15 below the lowermost formation that contains all or part of an
16 underground source of drinking water within 1/4 mile of the well
17 bore.

18 (f) "Class III well" means a well that is used for the
19 extraction of minerals including, but not limited to, the
20 following:

21 (i) Mining of sulfur by the Frasch process.

22 (ii) In situ production of uranium or other metals, not
23 including solution mining of conventional mines.

24 (iii) Solution mining of salts or potash.

25 (g) "Class IV well" means any of the following:

26 (i) A well that is used by a generator of hazardous waste or
27 radioactive waste, by the owner or operator of a hazardous waste
28 management facility, or by the owner or operator of a radioactive
29 waste disposal site to dispose of hazardous waste or radioactive

1 waste into a formation that contains all or part of an underground
2 source of drinking water within 1/4 mile of the well bore.

3 (ii) A well that is used by a generator of hazardous waste or
4 radioactive waste, by the owner or operator of a hazardous waste
5 management facility, or by the owner or operator of a radioactive
6 waste disposal site to dispose of hazardous waste or radioactive
7 waste above a formation that contains all or part of an underground
8 source of drinking water within 1/4 mile of the well bore.

9 (iii) A well that is used by a generator of hazardous waste or
10 the owner or operators of a hazardous waste management facility to
11 dispose of hazardous waste and that is not described by 40 CFR
12 146.5(a) (1) or 146.5(d) (1).

13 (h) ~~(e)~~—"Department" means the department of ~~environmental~~
14 ~~quality~~. **environment, Great Lakes, and energy.**

15 (i) ~~(d)~~—"Disposal well" means a well drilled or converted for
16 subsurface disposal of waste products or processed brine and its
17 related surface facilities.

18 (j) ~~(e)~~—"Exploratory purposes" means ~~test well drilling for~~
19 the specific purpose of discovering or outlining an orebody or
20 mineable mineral resource.

21 (k) ~~(f)~~—"Fund" means the mineral well regulatory fund created
22 in section 62509b.

23 (l) ~~(g)~~—"Mineral well" means any well subject to this part.

24 (m) ~~(h)~~—"Natural brine" means naturally occurring mineralized
25 water other than potable or fresh water.

26 (n) ~~(i)~~—"Operator" means the person ~~, whether owner or not,~~
27 supervising or responsible for the drilling, operating, repairing,
28 abandoning, or plugging of ~~wells~~ **a well** subject to this part,
29 **whether or not that person is the owner.**

1 (**o**) ~~(j)~~ "Owner" means the person who has the right to drill,
2 convert, or operate any well subject to this part.

3 (**p**) ~~(k)~~ "Pollution" means damage or injury from the loss,
4 escape, or unapproved disposal of any substance at any well subject
5 to this part.

6 (**q**) ~~(l)~~ "Storage well" means a well drilled into a subsurface
7 formation to develop an underground storage cavity for subsequent
8 use in storage operations. Storage well does not include a storage
9 well drilled pursuant to part 615.

10 (**r**) ~~(m)~~ "Supervisor of mineral wells" means the state
11 geologist.

12 (**s**) ~~(n)~~ "Surface waste" means damage to, injury to, or
13 destruction of surface ~~waters, soils, water, of soil, of~~ animal,
14 fish, ~~and-or~~ aquatic life, or **of** surface property from unnecessary
15 seepage or loss incidental to or resulting from drilling,
16 equipping, or operating a well or wells subject to this part.

17 (**t**) ~~(o)~~ "Test well" means a well, core hole, core test,
18 observation well, or other well drilled from the surface to
19 determine the presence of a mineral, mineral resource, ore, or rock
20 unit, or to obtain geological or geophysical information or other
21 subsurface data related to mineral exploration and extraction. Test
22 well does not include holes drilled in the operation of a quarry,
23 open pit, or underground mine, or any wells not related to mineral
24 exploration or extraction.

25 (**u**) ~~(p)~~ "Underground storage cavity" means a cavity formed by
26 dissolving rock salt or other readily soluble rock or mineral, by
27 nuclear explosion, or by any other method for the purpose of
28 storage or disposal.

29 (**v**) ~~(q)~~ "Underground waste" means damage or injury to potable

1 water, mineralized water, or other subsurface resources **incidental**
2 **to or resulting from drilling, equipping, or operating a well**
3 **subject to this part.**

4 (w) ~~(r)~~—"Waste product" means waste or by-product resulting
5 from municipal or industrial operations or waste from any trade,
6 manufacture, business, or private pursuit that could cause
7 pollution and for which underground disposal may be feasible or
8 practical.

9 **Sec. 62508b. (1) Subject to subsection (2), the construction,**
10 **expansion, or installation of either of the following is**
11 **prohibited:**

12 (a) A new or converted multisource commercial hazardous waste
13 disposal well.

14 (b) A new or converted class IV well.

15 (2) Subsection (1) does not apply to a class IV well that
16 either 40 CFR 144.13(c) provides is not prohibited by 40 CFR 144.13
17 or that 40 CFR 144.23(c) provides is authorized by rule.

18 (3) Subsection (1) does not prohibit any of the following:

19 (a) Maintenance, repair, or like-for-like replacement of
20 equipment necessary for the safe operation of an existing well,
21 including, but not limited to, necessary workover and repairs of
22 the well bore and injection equipment such as pumps, pressure
23 monitoring equipment, and facility piping.

24 (b) Subject to subsections (4) and (5), an equipment change at
25 an existing well that demonstrably reduces the amount of hazardous
26 or radioactive materials stored or emitted due to improved
27 treatment methods or technologies, if the change does not increase
28 the well's overall capacity or extend its operational lifespan.

29 (c) Subject to subsections (4) and (5), an expansion of an

1 existing well site.

2 (4) A proposed change under subsection (3)(b) or (c) must be
3 approved by the department. The well operator shall submit to the
4 department documentation demonstrating how the proposed change will
5 meet the requirements of subsection (3)(b) or (c). The department
6 shall make the documentation publicly available and provide for a
7 public comment period of not less than 60 days before deciding to
8 approve or reject the proposed change.

9 (5) In reviewing proposals under subsection (4), the
10 department shall prioritize changes that provide the greatest
11 reduction in risk to public health and the environment. The
12 department shall not approve any changes that could result in
13 increased exposure or risk to overburdened communities.

14 Sec. 62509. (1) A person shall not drill or begin the drilling
15 of any brine, storage, or waste disposal well, or convert any well
16 for these uses, and except as authorized by a permit issued by the
17 supervisor of mineral wells pursuant to part 13 and rules
18 promulgated by the supervisor of mineral wells, and unless the
19 person files with the supervisor of mineral wells an approved
20 surety or security bond. The application shall be accompanied by a
21 survey of the well site. The department shall conduct an
22 investigation and inspection before the supervisor of mineral wells
23 issues a permit. A permit shall not be issued to ~~any~~**an** owner or
24 ~~his or her~~**the owner's** authorized representative ~~who~~**if either**
25 **person** does not comply with the rules of the supervisor of mineral
26 wells or ~~who~~**is** in violation of this part or any rule of the
27 supervisor of mineral wells. Upon **submission to the supervisor of**
28 **mineral wells of appropriate evidence of the** completion of the
29 drilling or ~~converting~~**conversion** of a well for storage or waste

1 disposal and ~~after necessary~~**of** testing by the owner ~~to determine~~
 2 that **indicates** the well can be used for these purposes ~~and in a~~
 3 manner that will not cause surface or underground waste, the
 4 supervisor of mineral wells ~~, upon receipt of appropriate evidence,~~
 5 shall approve and regulate the use of the well for storage or waste
 6 disposal. These operations shall be **conducted** pursuant to part 31.
 7 The supervisor of mineral wells may schedule a public hearing to
 8 consider the need or advisability of permitting the drilling or
 9 ~~operating~~**operation** of a storage or waste disposal well, or
 10 ~~converting the~~ **conversion of** a well for these uses, if the public
 11 safety or other interests are involved.

12 (2) A person shall not drill a test well 50 feet or greater in
 13 depth into the bedrock or below the deepest freshwater strata,
 14 except as provided in section 62508(c), ~~except as unless the~~
 15 **drilling is** authorized by a permit issued by the supervisor of
 16 mineral wells pursuant to part 13 and rules promulgated by the
 17 supervisor of mineral wells ~~, and unless~~ the person files with the
 18 supervisor of mineral wells an approved surety or security bond.
 19 The application shall be accompanied by the fee provided in
 20 subsection (6). The department shall conduct an investigation and
 21 inspection before the supervisor of mineral wells issues a permit.
 22 A permit shall not be issued to ~~any an~~ owner or ~~his or her~~ **the**
 23 **owner's** authorized representative ~~who if either person~~ does not
 24 comply with the rules of the supervisor of mineral wells or ~~who is~~
 25 in violation of this part or any rule of the supervisor of mineral
 26 wells. A test well that penetrates below the deepest freshwater
 27 stratum or is greater than 250 feet in depth is subject to an
 28 individual test well permit. A test well that does not penetrate
 29 below the deepest freshwater stratum and is 250 feet or less in

1 depth is subject to a blanket test well permit. **The supervisor of**
 2 **mineral wells may allow a blanket test well permit for wells deeper**
 3 **than 250 feet if the applicant so requests and provides the**
 4 **supervisor of mineral wells with geological data demonstrating that**
 5 **the test well will remain within the freshwater stratum.** This
 6 subsection does not apply to a test well regulated under part 111
 7 or part 115, or a water well regulated under part 127 of the public
 8 health code, 1978 PA 368, MCL 333.12701 to 333.12771.

9 (3) A permit is not required to drill a test well in ~~those~~
 10 areas of ~~the~~**this** state where rocks of Precambrian age directly
 11 underlie unconsolidated surface deposits or in ~~those~~ areas that
 12 have been designated pursuant to section 62508(c). However, ~~within~~
 13 **at least 30 days before drilling the well, the owner shall provide**
 14 **notice to the supervisor of mineral wells on a form provided by the**
 15 **supervisor of mineral wells. The form shall be accompanied by a**
 16 **\$500.00 fee and an approved surety or security bond. The form shall**
 17 **include the location of proposed test wells, including a map,**
 18 **measures to be taken to prevent soil erosion, a description of**
 19 **casing, and sealing and plugging procedures. Within 2 years after**
 20 **completion of the drilling of the well, the owner shall advise the**
 21 **supervisor of mineral wells of the location of the well and file**
 22 **with the supervisor of mineral wells the log required under section**
 23 **62508(d). The provisions of this part pertaining to the prevention**
 24 **and correction of surface and underground waste** ~~have the same~~
 25 ~~application from other wells regulated under this part apply to~~
 26 ~~these test wells as to other wells defined in this part.~~**as**
 27 **described in this subsection.**

28 (4) Upon request, the supervisor of mineral wells may issue to
 29 **a qualified** ~~persons~~**person** a blanket permit to drill within a

1 county test wells ~~which~~**that** will not penetrate below the deepest
 2 freshwater stratum and are 250 feet or less in depth.

3 (5) All information and records pertaining to the application
 4 for and issuance of permits for wells subject to this part shall be
 5 held confidential in the same manner as provided for logs and
 6 reports on these wells. **However, the supervisor of mineral wells**
 7 **may share basic information such as the well type, location, and**
 8 **applicant name.**

9 (6) A permit application submitted under this section shall be
 10 accompanied by the following permit application fee:

11 (a) Disposal well for disposal of waste	
12 products other than processed brine	\$ 2,500.00.
13 (b) Disposal well for disposal of	
14 processed brine	\$ 500.00.
15 (c) Storage well	\$ 500.00.
16 (d) Natural brine production well	\$ 500.00.
17 (e) Artificial brine production well	\$ 500.00.
18 (f) Individual test well under	
19 subsection (2)	\$ 500.00.
20 (g) Blanket permit for test wells drilled pursuant to	
21 subsection (4):	
22 (i) 1 to 24 wells	\$ 75.00.
23 (ii) 25 to 49 wells	\$ 150.00.
24 (iii) 50 to 75 wells	\$ 300.00.
25 (iv) 75 to 200 wells	\$ 600.00.

26 (7) The supervisor of mineral wells shall deposit all permit
 27 application fees collected under this section into the fund.

28 **Sec. 62509d. (1) Within 2 years after the effective date of**
 29 **the amendatory act that added this section and annually thereafter,**

1 an operator of a class I well or a class III well shall, for each
2 well, file proof of financial responsibility, as described in
3 subsections (2) and (4), for which this state is the sole
4 beneficiary.

5 (2) The financial responsibility under subsection (1) shall be
6 a surety bond issued by an authorized insurer whose certificate of
7 authority is in good standing, a cash account, or an automatically
8 annually renewing certificate of deposit. The surety bond, cash
9 account, or certificate of deposit shall comply, and shall be
10 interpreted to comply, with all of the following, as applicable:

11 (a) The amount meets both of the following requirements:

12 (i) Is at least the following:

13 (A) For a class I hazardous waste well, \$500,000.00.

14 (B) For a class I nonhazardous well, \$250,000.00.

15 (C) For multiple class I nonhazardous wells, not to exceed 4
16 wells, \$500,000.00 for a blanket bond.

17 (D) For a class III well, \$100,000.00.

18 (E) For multiple class III wells, not to exceed 20 wells,
19 \$1,000,000.00 for a blanket bond.

20 (ii) Is sufficient to cover the costs of well plugging and
21 reclamation, as determined by the department based on engineering,
22 geotechnical, environmental, or location conditions.

23 (b) The terms of the instrument cannot be altered without the
24 approval of the department.

25 (c) A cash account or deposit is held in trust by a federally
26 insured financial institution that meets all of the following
27 requirements:

28 (i) Is regulated by banking authorities of this state or the
29 federal government.

1 (ii) Holds the deposit in a segregated trust account solely for
2 the benefit of this state.

3 (iii) Releases funds only upon written authorization from this
4 state.

5 (iv) The deposit cannot be offset against or encumbered by any
6 other obligation.

7 (d) Cancellation of a bond requires at least 120 days' advance
8 notice.

9 (e) The instrument remains in effect until the department
10 determines that all of the following apply:

11 (i) The class I well or class III well has been permanently
12 plugged and abandoned in compliance with law and in a manner that
13 protects underground sources of drinking water.

14 (ii) All contamination at the site has been remediated.

15 (iii) The soil at the site has been stabilized and the site has
16 been regraded to conditions approved by the department, with
17 vegetation sufficiently established to prevent erosion or offsite
18 runoff.

19 (iv) All required well records and supporting documentation
20 have been submitted to the department, no adverse environmental
21 conditions caused by the drilling of the well remain at the surface
22 or within an underground source of drinking water, and the
23 department considers the site to meet plugging-approved status.

24 (3) Payment under an instrument required by subsection (2)
25 does not relieve the operator from any other legal requirements.
26 Assets under the instrument revert to the operator's control, at
27 the operator's request, only after the operator has adequately
28 plugged the wells, reclaimed the well site, and complied with all
29 orders of the supervisor or department under this act.

1 (4) The financial responsibility under subsection (1) shall
2 also include environmental pollution insurance coverage that
3 complies with all of the following:

4 (a) The amount of coverage meets both of the following
5 requirements:

6 (i) Is at least \$5,000,000.00 per occurrence for a multisource
7 commercial hazardous waste disposal well or \$2,500,000.00 per
8 occurrence for a captive hazardous waste disposal well.

9 (ii) Is considered by the department to be sufficient to cover
10 the remediation of private property that could reasonably be
11 affected by future environmental incidents caused by the drilling
12 of the well and the replacement of drinking water supplies for
13 properties with affected water wells.

14 (b) After the well is plugged, the insurance remains in effect
15 until the department determines the well meets plugging-approved
16 status requirements and extends for an additional 10 years for a
17 class I hazardous waste well or 5 years for a class I nonhazardous
18 well.

19 (c) The insurance is provided by an insurance carrier
20 authorized, licensed, or permitted to conduct such insurance
21 business in this state and that holds at least an A- rating by AM
22 Best or any comparable rating service.

23 (d) The insurance is not issued by a captive insurer, surplus
24 line insurer, or risk retention group.

25 (5) Within 2 years after the effective date of the amendatory
26 act that added this section and annually thereafter, an operator of
27 a test well shall, for each well, file proof of financial
28 responsibility for which this state is the sole beneficiary. The
29 financial responsibility shall be a surety bond issued by an

1 authorized insurer whose certificate of authority is in good
2 standing, a cash account, or an automatically annually renewing
3 certificate of deposit. The financial responsibility shall comply,
4 and shall be interpreted to comply, with the following, as
5 applicable:

6 (a) The amount meets both of the following requirements:

7 (i) Is at least \$10,000.00.

8 (ii) Is sufficient to cover the costs of well plugging and
9 reclamation, as determined by the department based on engineering,
10 geotechnical, environmental, or location conditions.

11 (b) The terms of the instrument shall not be altered without
12 the approval of the department.

13 (c) A cash account or deposit is held in trust by a federally
14 insured financial institution that meets all of the following
15 requirements:

16 (i) Is regulated by banking authorities of this state or the
17 federal government.

18 (ii) Holds the deposit in a segregated trust account solely for
19 the benefit of this state.

20 (iii) Releases funds only upon written authorization from this
21 state.

22 (iv) The deposit cannot be offset against or encumbered by any
23 other obligation.

24 (d) Cancellation of a bond requires at least 120 days' advance
25 notice.

26 (e) The instrument remains in effect until the department
27 determines that all of the following apply:

28 (i) The test well has been permanently plugged and abandoned in
29 compliance with law and in a manner that protects underground

1 sources of drinking water.

2 (ii) All contamination at the site has been remediated.

3 (iii) The soil at the site has been stabilized and
4 rehabilitated.

5 (iv) The ecosystem has been restored.

6 (6) Payment under an instrument required by subsection (5)
7 does not relieve the operator from any other legal requirements.
8 Assets under the instrument revert to the operator's control, at
9 the operators request, only after the operator has adequately
10 plugged the wells, reclaimed the well site, and complied with all
11 orders of the supervisor or department under this act.

12 Enacting section 1. Sections 11111 and 11112 of the natural
13 resources and environmental protection act, 1994 PA 451, MCL
14 324.11111 and 324.11112, are repealed.

15 Enacting section 2. Section 11525a of the natural resources
16 and environmental protection act, 1994 PA 451, MCL 324.11525a, as
17 amended by this amendatory act, takes effect March 1, 2026.