



HOUSE BILL No. 5139

September 26, 1995, Introduced by Rep. Middaugh and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 21304a of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," as added by Act No. 22 of the Public Acts of 1995, being section 324.21304a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 21304a of Act No. 451 of the Public Acts
2 of 1994, as added by Act No. 22 of the Public Acts of 1995, being
3 section 324.21304a of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 21304a. (1) Corrective action activities undertaken
6 pursuant to this part shall be conducted in accordance with the
7 process outlined in RBCA in a manner that is protective of the
8 public health, safety, and welfare, and the environment.

1 (2) Subject to subsections (3) and (4), the department shall
2 establish cleanup criteria for corrective action activities
3 undertaken under this part using the process outlined in RBCA.
4 The department shall utilize only reasonable and relevant expo-
5 sure assumptions and pathways in determining the cleanup
6 criteria.

7 (3) If a regulated substance poses a carcinogenic risk to
8 humans, the cleanup criteria derived for cancer risk shall be the
9 95% upper bound on the calculated risk of 1 additional cancer
10 above the background cancer rate per 100,000 individuals using
11 the exposure assumptions and pathways established by the depart-
12 ment and the process in RBCA. If a regulated substance poses a
13 risk of both cancer and an adverse health effect other than
14 cancer, cleanup criteria shall be derived for cancer and each
15 adverse health effect.

16 (4) If a cleanup criterion for groundwater differs from
17 either (a) the state drinking water standard established pursuant
18 to section 5 of the safe drinking water act, Act No. 399 of the
19 Public Acts of 1976, being section 325.1005 of the Michigan
20 Compiled Laws, or (b) criteria for adverse aesthetic characteris-
21 tics derived pursuant to R 299.5709 of the Michigan administra-
22 tive code, the cleanup criterion shall ~~comply with either~~ BE
23 THE MORE STRINGENT OF (a) or (b) unless a consultant retained by
24 the owner or operator determines that compliance with (a) or (b)
25 is not necessary because the use of the groundwater is reliably
26 restricted pursuant to section 21310a.

1 ~~(5) If corrective action is required at a site where there~~
2 ~~are releases that are regulated under this part and releases that~~
3 ~~are not regulated under this part, the department shall determine~~
4 ~~the applicable laws and regulations to define the cleanup~~
5 ~~requirements.~~