

SENATE BILL No. 1106

October 2, 2014, Introduced by Senator HOPGOOD and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11118a and 11125 (MCL 324.11118a and 324.11125), as amended by 2010 PA 357.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11118a. (1) As used in this section: ~~—"multisource~~

2 (A) **"MULTISOURCE** commercial hazardous waste disposal well" has

3 the meaning ascribed to that term in section 62506a.

4 (B) **"WELL" MEANS A MULTISOURCE COMMERCIAL HAZARDOUS WASTE**

5 **DISPOSAL WELL.**

6 (2) A multisource commercial hazardous waste disposal well

7 shall maintain on site a treatment facility and a storage facility

8 that have obtained an operating license under section 11123.

1 (3) Subject to subsection (4), in addition to the information
2 required under section 11123, the owner or operator of a proposed
3 treatment and storage facility with a multisource commercial
4 hazardous waste disposal well shall provide to the department in an
5 application for an operating license a business plan for the well
6 operations. The business plan shall contain all of the following
7 information:

8 (a) The type, estimated quantities, and expected potential
9 sources of wastes to be disposed of in the well.

10 (b) A feasibility study on the viability of the disposal well
11 operations.

12 (c) Additional business plan information required by the
13 department and related solely to the requirements of subdivisions
14 (a) and (b).

15 (d) Any additional business plan information if the department
16 and applicant agree that such additional information should be
17 submitted.

18 (4) Subsection (3) applies only to a person who submits an
19 application for an operating license, other than a renewal
20 operating license, after ~~the effective date of the 2010 amendatory~~
21 ~~act that added this subsection.~~ **DECEMBER 22, 2010.**

22 **(5) IN ADDITION TO THE INFORMATION REQUIRED UNDER SECTION**
23 **11123, THE OWNER OR OPERATOR OF AN EXISTING OR PROPOSED TREATMENT**
24 **AND STORAGE FACILITY WITH A MULTISOURCE COMMERCIAL HAZARDOUS WASTE**
25 **DISPOSAL WELL SHALL PROVIDE TO THE DEPARTMENT IN AN APPLICATION FOR**
26 **AN OPERATING LICENSE SUBMITTED AFTER THE EFFECTIVE DATE OF THE**
27 **AMENDATORY ACT THAT ADDED THIS SUBSECTION ALL OF THE FOLLOWING:**

1 (A) AN EMERGENCY PLAN INCLUDING A PLAN FOR EVACUATION OF ALL
2 HOSPITALS, AIRPORTS, BUS TERMINALS, AND RAILROAD TERMINALS LOCATED
3 WITHIN 3 MILES OF THE WELL IN THE EVENT OF A RELEASE OF HAZARDOUS
4 WASTE FROM THE TREATMENT AND STORAGE FACILITY.

5 (B) A STUDY OF THE ECONOMIC IMPACT OF A FULL EVACUATION UNDER
6 THE PLAN DESCRIBED IN SUBDIVISION (A).

7 (6) THE DEPARTMENT SHALL NOT ISSUE AN OPERATING LICENSE FOR A
8 TREATMENT AND STORAGE FACILITY WITH A MULTISOURCE COMMERCIAL
9 HAZARDOUS WASTE DISPOSAL WELL IF THE WELL IS LOCATED AS DESCRIBED
10 IN ANY OF THE FOLLOWING:

11 (A) WITHIN 1,000 FEET OF AN INTERSTATE HIGHWAY.

12 (B) WITHIN 2 MILES OF AN INTERNATIONAL AIRPORT.

13 (C) WITHIN 3 MILES OF A HOSPITAL, GOLF COURSE, SOCCER FIELD,
14 BASEBALL FIELD, OR FOOTBALL FIELD.

15 Sec. 11125. (1) Upon receipt of an operating license
16 application that complies with ~~the requirements of section~~
17 11123(2), the department shall do all of the following:

18 (a) Notify the municipality and county in which the treatment,
19 storage, or disposal facility is located or proposed to be located;
20 a local soil erosion and sedimentation control agency ~~appointed~~
21 ~~pursuant to part 91;~~ **DESIGNATED UNDER SECTION 9110**; each division
22 within the department that has responsibility in land, air, or
23 water management; ~~a~~ **THE** regional planning agency established by
24 executive directive of the governor; and other appropriate
25 agencies. The notice shall describe the procedure by which the
26 license may be approved or denied.

27 (b) Review the plans of the proposed treatment, storage, or

1 disposal facility to determine if the proposed operation complies
2 with this part and the rules promulgated under this part. The
3 review shall be made within the department. The review shall
4 include, but need not be limited to, a review of air quality, water
5 quality, waste management, hydrogeology, and the applicant's
6 disclosure statement. A written and signed review by each person
7 within the department reviewing the application and plans shall be
8 ~~received and~~ filed in the department's license application records
9 before an operating license is issued or denied by the department.

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

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

16 (e) Hold a public hearing not more than 60 days after receipt
17 of the application.

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

21 (3) The department shall provide notice and an opportunity for
22 a public hearing before making a final decision on an operating
23 license application.

24 (4) The department shall make a final decision on an operating
25 license application within 140 days after the department receives a
26 complete application. However, if the state's hazardous waste
27 management program is authorized by the United States environmental

1 protection agency under section 3006 of subtitle C of the solid
2 waste disposal act, 42 USC 6926, the department may extend the
3 deadline beyond the limitation provided in this section ~~in order to~~
4 fulfill the public participation requirements of the solid waste
5 disposal act. The operating license may contain stipulations
6 specifically applicable to **THE** site and operation. **AN OPERATING**
7 **LICENSE FOR A TREATMENT AND STORAGE FACILITY WITH A MULTISOURCE**
8 **COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL SHALL LIMIT HOURS OF**
9 **OPERATION TO THE PERIOD OF 1 A.M. TO 6 A.M., MONDAY THROUGH FRIDAY.**

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

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

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

22 (8) The department shall provide notice of the final decision
23 to persons on the organized mailing list for the facility.

24 (9) Following the construction of a new, expanded, enlarged,
25 or altered treatment, storage, or disposal facility, the department
26 shall review all information required to be submitted by the
27 operating license. If the department finds that the owner or

1 operator has deviated from the specific conditions established in
2 the operating license, the department shall determine if cause
3 exists for modification or revocation of the operating license, in
4 accordance with provisions established by rule. At a minimum, the
5 **LICENSEE SHALL SUBMIT TO THE DEPARTMENT ALL OF THE FOLLOWING**
6 postconstruction documentation: ~~shall include all of the following:~~

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

9 (b) A certification of construction as described in section
10 11123(2)(n)(ii). The department shall require additional
11 certification periodically during the operation or ~~in order to~~
12 verify proper closure of the site.

13 (c) A certification of capability signed and sealed by a
14 licensed professional engineer as described in section
15 11123(2)(n)(iii).

16 (d) Information regarding any deviations from the specific
17 conditions in the operating license.

18 (e) Proof of financial responsibility.