

# SENATE BILL NO. 312

May 09, 2019, Introduced by Senator ALEXANDER and referred to the Committee on Environmental Quality.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20105a and 20120d (MCL 324.20105a and 324.20120d), section 20105a as added by 1995 PA 71 and section 20120d as amended by 2014 PA 542.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**           Sec. 20105a. **(1)** The department shall annually compile a list  
**2** of sites that are receiving state funds to conduct response

1 activities. This list shall be arranged in alphabetical order. The  
2 department shall annually submit this list to the legislature.

3 **(2) If the department has expended more than \$500,000.00 in**  
4 **state funds for response activities at a facility and the facility**  
5 **has not attained compliance with the cleanup criteria for the**  
6 **residential category provided for in section 20120a(1) (a), the**  
7 **department shall promptly provide public notice of the status of**  
8 **the response activities at the facility. The department's public**  
9 **notice under this subsection shall include 1 or more advertisements**  
10 **in ethnic-minority-owned media.**

11 Sec. 20120d. (1) At a facility where state funds will be spent  
12 to develop or implement a remedial action plan or where the  
13 department determines there is a significant public interest,  
14 within 30 days after the completion of a remedial investigation for  
15 the facility, the department shall provide the county and the  
16 township, city, or village in which the facility is located a  
17 notice of the completion of the remedial investigation, a summary  
18 of the remedial investigation, and notice of an opportunity for  
19 residents of the local unit of government to meet with the  
20 department regarding the remedial investigation and any proposed  
21 feasibility study for the facility. ~~Upon a request for a public~~  
22 ~~meeting by~~ **If** the governing body ~~of the local unit of government or~~  
23 ~~by~~ 25 citizens of the local unit of government **request a public**  
24 **meeting**, the department shall, within 30 days, ~~of the request,~~ meet  
25 with persons in the local unit of government. The person or persons  
26 requesting the public meeting shall publicize and provide  
27 accommodations for the meeting. The meeting shall be held in the  
28 local unit of government in which the facility is located. The  
29 department shall provide copies of the notices and summary required

1 in this subsection to the governing body of the local unit of  
2 government, to the known persons who are liable under section  
3 20126, and to the main public library of the local unit of  
4 government in which the facility is located. The department shall  
5 send representatives to the meeting who are familiar with the  
6 facility and who are involved with determining the appropriate  
7 remedial actions to be taken at the facility. Persons who are  
8 liable under section 20126 for the facility may send  
9 representatives to the meeting.

10 (2) **A remedial action plan based in whole or part on**  
11 **categorical criteria provided for in section 20120a(1) (c) or (d) or**  
12 **site-specific criteria provided for in section 20120a(2) is not**  
13 **valid or approvable unless the department determines that the**  
14 **remedial action plan complies with this part and is protective of**  
15 **public health and the environment.** Before approval of a proposed  
16 remedial action plan, response activity plan, or no further action  
17 report based on categorical criteria provided for in section  
18 20120a(1) (c) or (d) or site-specific criteria provided for in  
19 section 20120a(2) and where the department determines that there is  
20 significant public interest **or that it is otherwise appropriate,**  
21 the department shall do all of the following:

22 (a) Publish a notice and brief summary of the proposed  
23 remedial action plan, response activity plan, or no further action  
24 report.

25 (b) Provide for public review and comment pertinent to  
26 documents relating to the proposed remedial action plan, response  
27 activity plan, or no further action report.

28 (c) ~~Provide an opportunity for~~ **Publish notice of and conduct a**  
29 public meeting at or near the facility. ~~when any of the following~~

1 ~~occur.~~ If the public meeting concerns a remedial action plan, the  
2 department shall, at the meeting, articulate its determination that  
3 the remedial action plan complies with this part and is protective  
4 of public health and the environment.

5 ~~(i) The department determines that there is a significant~~  
6 ~~public interest or that for any other reason a public meeting is~~  
7 ~~appropriate.~~

8 ~~(ii) A city, township, or village in which the facility is~~  
9 ~~located, by a majority vote of its governing body, requests a~~  
10 ~~public meeting.~~

11 ~~(iii) A local health department with jurisdiction in the area in~~  
12 ~~which the facility is located requests a public meeting.~~

13 (d) Provide a document that summarizes the major issues raised  
14 by the public and how they are to be addressed by the final  
15 approved remedial action plan, response activity plan, or no  
16 further action report.

17 (3) For purposes of this section, publication shall include,  
18 at a minimum, publication in a local newspaper or newspaper of  
19 general circulation in this state **and ethnic-minority-owned media.**  
20 In addition, the administrative record shall be made available by  
21 the department for inspection by members of the public at or near  
22 the facility and in Lansing.

23 (4) The department shall prepare a summary document that  
24 explains the reasons for the selection or approval of a remedial  
25 action plan, response activity plan, or no further action report.  
26 In addition, the department shall compile an administrative record  
27 of the decision process that results in the selection of a remedial  
28 action plan. The administrative record shall contain all of the  
29 following:

1 (a) Remedial investigation data regarding the facility.

2 (b) If applicable, a feasibility study and remedial actions  
3 planned or completed.

4 (c) If applicable, a summary document that explains the  
5 reasons why a remedial investigation or feasibility study was not  
6 conducted.

7 (d) Applicable comments and information received from the  
8 public, if any.

9 (e) If applicable, a document that summarizes the significant  
10 concerns raised by the members of the public and how they are to be  
11 addressed.

12 (f) Other information appropriate to the facility.

13 (5) If comments or information are submitted for inclusion in  
14 the administrative record ~~that~~ **but** are not included in the  
15 administrative record, a brief explanation of why the information  
16 was not considered relevant shall be sent to the party by the  
17 department and included in the record.