

Legislative Analysis



PROHIBIT TENORM IN MICHIGAN LANDFILLS

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<http://www.house.mi.gov/hfa>

House Bill 5923 as introduced
Sponsor: Rep. Reggie Miller
Committee: Natural Resources, Environment, Tourism
and Outdoor Recreation
Complete to 9-24-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5923 would amend the Natural Resources and Environmental Protection Act (NREPA) to no longer allow landfills in Michigan to accept technologically enhanced naturally occurring radioactive material (TENORM) after the bill's effective date.

The U.S. Environmental Protection Agency (EPA) defines TENORM as naturally occurring radioactive materials that have been concentrated or exposed to the accessible environment as a result of human activities such as manufacturing, mineral extraction, or water processing.¹ *Technologically enhanced* means that the radiological, physical, and chemical properties of the radioactive material have been concentrated or further altered by having been processed, or beneficiated, or disturbed in a way that increases the potential for human or environmental exposures. As used in NREPA, the term TENORM does not include either of the following:

- Source material, as defined in section 11 of the federal Atomic Energy Act of 1954, 42 USC 2014, and its progeny in equilibrium.
- Material with concentrations of radium-226, radium-228, and lead-210 each less than 5 picocuries per gram.

The bill would allow appropriately licensed landfills to possess the TERNORM they already have, but they could not acquire additional TENORM after the effective date of the bill. A current \$5 per ton fee for accepting new TENORM would not apply after that date.

Annual reports that now must be made concerning the amounts of specified radioactive materials in the landfill and their delivery dates would not have to be made after the reports for calendar year 2024 and the 2023-24 and 2024-25 state fiscal years are submitted to EGLE.

MCL 324.11109, 324.11132, and 324.11514b

FISCAL IMPACT:

House Bill 5923 may reduce costs and revenues for EGLE by reducing additional TENORM in the state's landfill facilities and thereby reducing additional TENORM fee revenue. The TENORM fee of \$5 per tom paid by owners or operators of qualifying solid waste facilities is deposited to the Technologically Enhanced Naturally Occurring Radioactive Material Fund. This fund received \$434,817 in FY 2022-23 revenue and carried forward a balance of \$826,120 into FY 2023-24. The FY 2024-25 EGLE budget includes \$505,200 from this fund, which primarily supports the Materials Management Division, which regulates solid and hazardous

¹ [Technologically Enhanced Naturally Occurring Radioactive Materials \(TENORM\).](#)

waste, including radioactive material. The department's FY 2024-25 budget totals \$1.0 billion Gross (\$260.7 million GF/GP) and 1,652.0 FTE positions. The bill is unlikely to affect local government costs or revenues, except for those local governments that own or operate a solid waste facility that houses TENORM subject to EGLE oversight. These local governments may realize reduced costs and revenues as regulated material and corresponding fee revenue proportionally diminish.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.