

**SUBSTITUTE FOR
SENATE BILL NO. 938**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 62506a (MCL 324.62506a), as added by 1996 PA
168.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 62506a. (1) As used in this section:

2 (a) "Class I commercial hazardous waste disposal well" means a
3 multisource commercial hazardous waste disposal well that meets
4 both of the following requirements:

5 (i) Is a class I well as described in 40 CFR 146.5.

6 (ii) Was in operation at any time during the state fiscal year
7 ending September 30, 2024.

8 (b) ~~(a)~~"Hazardous waste", "storage facility", and "treatment

1 facility" have the meanings ascribed to these terms in part 111.

2 (c) ~~(b)~~—"Multisource commercial hazardous waste disposal well"
3 means a disposal well that receives hazardous waste that is
4 generated by more than 1 person. Multisource commercial hazardous
5 waste disposal well does not include a disposal well that receives
6 hazardous waste generated from a subsidiary of the person that owns
7 or operates a hazardous waste disposal well.

8 (d) ~~(e)~~—"Person" includes a governmental entity.

9 (2) Prior to the drilling of a multisource commercial
10 hazardous waste disposal well or the conversion of a well to a
11 multisource commercial hazardous waste disposal well, a person
12 shall have obtained a construction permit for an on-site treatment
13 facility and storage facility under section 11118.

14 ~~(3) Nothing in the amendatory act that added this section~~ **This**
15 **subsection shall not** be construed to abrogate common law.

16 (3) **Except as otherwise provided in this section, the owner or**
17 **operator of a class I commercial hazardous waste disposal well**
18 **shall pay to the department a fee assessed on all waste disposed of**
19 **in the well. The fee shall be based on the quantity of waste**
20 **injected and, subject to subsection (4), shall be 0.417 cents per**
21 **gallon. The fee shall be paid within 30 days after the close of**
22 **each quarter of the calendar year. The class I commercial hazardous**
23 **waste disposal well owner or operator shall assess the fee against**
24 **off-site generators. The fee for waste that is generated and**
25 **disposed of on the site of a class I commercial hazardous waste**
26 **disposal well owner or operator shall be paid by that owner or**
27 **operator.**

28 (4) **At the end of each calendar year, the state treasurer**
29 **shall adjust the fees in subsection (3) by an amount determined by**

1 the state treasurer to reflect the cumulative percentage change in
2 the Consumer Price Index from January 1 immediately preceding the
3 effective date of the amendatory act that added this section to the
4 latest available Consumer Price Index. The state treasurer shall
5 round a fee measured in gallons to the nearest tenth of a cent. As
6 used in this subsection, "Consumer Price Index" means the most
7 comprehensive index of consumer prices available for the Detroit
8 area from the Bureau of Labor Statistics of the United States
9 Department of Labor or a successor agency.

10 (5) The following waste is exempt from the fee provided for in
11 this section:

12 (a) Waste exempted by rule because of its character or the
13 treatment it has received.

14 (b) Waste that is removed as part of a site cleanup activity
15 at the expense of this state.

16 (c) Waste generated pursuant to a 1-time closure or site
17 cleanup activity in this state if the closure or cleanup activity
18 has been authorized in writing by the department. Waste resulting
19 from the cleanup of inadvertent releases that occur after March 30,
20 1988 is not exempt from the fees.

21 (6) An owner or operator of a class I commercial hazardous
22 waste disposal well shall assess or pay the fee described in this
23 section unless the generator provides a signed written
24 certification indicating that the waste is exempt from the fee. If
25 the waste that is exempt from the fee is required to be listed on a
26 manifest, the certification shall contain the manifest number of
27 the shipment and the specific fee exemption for which the waste
28 qualifies. If the waste that is exempt from the fee is not required
29 to be listed on a manifest, the certification shall provide the

1 quantity of exempt waste, the waste code or waste codes of the
2 exempt waste if applicable, the date of disposal, and the specific
3 fee exemption for which the waste qualifies. The owner or operator
4 of the class I commercial hazardous waste disposal well shall
5 retain this certification for 4 years after the date of receipt.

6 (7) The department shall evaluate the accuracy of generator
7 fee exemption certifications and shall take enforcement action
8 against a generator who files a false certification. In addition,
9 the department shall take enforcement action to collect fees that
10 are not paid as required by this section.

11 (8) The owner or operator of a class I commercial hazardous
12 waste disposal well shall forward to the department the fee revenue
13 due under this section with a completed form that is provided or
14 approved by the department. The owner or operator shall certify
15 that all information provided in the form is accurate. The form
16 shall specify, at a minimum, the following information:

17 (a) The quantity of waste subject to a fee.

18 (b) Any exemptions claimed under subsection (5).

19 (c) The total amount of the fee.

20 (9) The department shall maintain information regarding the
21 fees collected under this section for at least 3 years.

22 (10) The fees collected under this section shall be forwarded
23 to the state treasurer. The state treasurer shall deposit the fees
24 in the disposal well host community fund created in subsection
25 (11).

26 (11) The disposal well host community fund is created in the
27 state treasury. The state treasurer shall deposit into the fund
28 money and other assets received under subsection (10) or from any
29 other lawful source. The state treasurer shall direct the

1 investment of money in the fund and credit interest and earnings
2 from the investments to the fund. The department is the
3 administrator of the fund for audits of the fund.

4 (12) The department shall expend money from the disposal well
5 host community fund, on appropriation, only for the costs of
6 administering the fund and annual grants to cities, villages, and
7 townships where class I commercial hazardous waste disposal wells
8 are located. The amount of each grant shall be a percentage of the
9 fiscal-year-end fund balance, after deducting costs of
10 administering the fund, equal to the percentage of fee revenue
11 collected under this section during that fiscal year from owners or
12 operators of class I commercial hazardous waste disposal wells
13 located in the grantee's jurisdiction. Grants shall be awarded
14 within 60 days after the end of each state fiscal year and used to
15 promote the public health, safety, or welfare in the grantee's
16 jurisdiction.