

SENATE BILL NO. 938

June 25, 2024, Introduced by Senator CAMILLERI and referred to the Committee on Energy and Environment.

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) "Hazardous waste", "storage facility", and "treatment
3 facility" have the meanings ascribed to these terms in part 111.
4 (b) "Multisource commercial hazardous waste disposal well"

1 means a disposal well that receives hazardous waste that is
2 generated by more than 1 person. Multisource commercial hazardous
3 waste disposal well does not include a disposal well that receives
4 hazardous waste generated from a subsidiary of the person that owns
5 or operates a hazardous waste disposal well.

6 (c) "Person" includes a governmental entity.

7 (d) "Class I commercial hazardous waste disposal well" means a
8 multisource commercial hazardous waste disposal well that meets
9 both of the following requirements:

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

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

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

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

20 (3) **Except as otherwise provided in this section, the owner or**
21 **operator of a class I commercial hazardous waste disposal well**
22 **shall pay to the department a fee assessed on all waste disposed of**
23 **in the well. The fee shall be based on the quantity of waste**
24 **specified on the manifest or monthly operating report and, subject**
25 **to subsection (4), shall be \$100.00 per ton or 0.417 cents per**
26 **gallon, depending on the unit of measure used by the owner or**
27 **operator to calculate the fee. The fee for fractional quantities of**
28 **waste shall be proportional. If the waste is required to be listed**
29 **on a manifest and the owner or operator of the well determines that**

1 the waste quantity on the manifest is not accurate, the owner or
2 operator shall correct the waste quantity on all manifest copies
3 accompanying the shipment, note the reason for the change in the
4 discrepancy indication space on the manifest, and assess the fee in
5 accordance with the corrected waste quantity. The fee shall be paid
6 within 30 days after the close of each quarter of the calendar
7 year. The class I commercial hazardous waste disposal well owner or
8 operator shall assess the fee against off-site generators. The fee
9 for waste that is generated and disposed of on the site of a class
10 I commercial hazardous waste disposal well owner or operator shall
11 be paid by that owner or operator.

12 (4) At the end of each calendar year, the state treasurer
13 shall adjust the fees in subsection (3) by an amount determined by
14 the state treasurer to reflect the cumulative percentage change in
15 the Consumer Price Index from January 1 immediately preceding the
16 effective date of the amendatory act that added this section to the
17 latest available Consumer Price Index. The state treasurer shall
18 round a fee expressed in tons or cubic yards to the nearest dollar
19 and a fee measured in gallons or pounds to the nearest cent. As
20 used in this subsection, "Consumer Price Index" means the most
21 comprehensive index of consumer prices available for the Detroit
22 area from the Bureau of Labor Statistics of the United States
23 Department of Labor or a successor agency.

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

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

28 (b) Waste that is removed as part of a site cleanup activity
29 at the expense of this state or the federal government.

1 (c) Waste generated pursuant to a 1-time closure or site
2 cleanup activity in this state if the closure or cleanup activity
3 has been authorized in writing by the department. Waste resulting
4 from the cleanup of inadvertent releases that occur after March 30,
5 1988 is not exempt from the fees.

6 (6) An owner or operator of a class I commercial hazardous
7 waste disposal well shall assess or pay the fee described in this
8 section unless the generator provides a signed written
9 certification indicating that the waste is exempt from the fee. If
10 the waste that is exempt from the fee is required to be listed on a
11 manifest, the certification shall contain the manifest number of
12 the shipment and the specific fee exemption for which the waste
13 qualifies. If the waste that is exempt from the fee is not required
14 to be listed on a manifest, the certification shall provide the
15 quantity of exempt waste, the waste code or waste codes of the
16 exempt waste, the date of disposal, and the specific fee exemption
17 for which the waste qualifies. The owner or operator of the class I
18 commercial hazardous waste disposal well shall retain this
19 certification for 4 years after the date of receipt.

20 (7) The department or a health department certified pursuant
21 to section 11145 shall evaluate the accuracy of generator fee
22 exemption certifications and shall take enforcement action against
23 a generator who files a false certification. In addition, the
24 department shall take enforcement action to collect fees that are
25 not paid as required by this section.

26 (8) The owner or operator of a class I commercial hazardous
27 waste disposal well shall forward to the department the fee revenue
28 due under this section with a completed form that is provided or
29 approved by the department. The owner or operator shall certify

1 that all information provided in the form is accurate. The form
2 shall include the following information:

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

4 (b) The name of each generator who was assessed a fee, the
5 generator's identification number, manifest numbers, waste
6 quantities, and the amount of the fee assessed.

7 (9) The department shall maintain information regarding the
8 fees collected under this section.

9 (10) The fees collected under this section shall be forwarded
10 to the state treasurer. The state treasurer shall deposit the fees
11 in the disposal well host community fund created in subsection
12 (11).

13 (11) The disposal well host community fund is created in the
14 state treasury. The state treasurer shall deposit into the fund
15 money and other assets received under subsection (10) or from any
16 other lawful source. The state treasurer shall direct the
17 investment of money in the fund and credit interest and earnings
18 from the investments to the fund. The department is the
19 administrator of the fund for audits of the fund.

20 (12) The department shall expend money from the disposal well
21 host community fund, on appropriation, only for the costs of
22 administering the fund and annual grants to cities, villages, and
23 townships where class I commercial hazardous waste disposal wells
24 are located. The amount of each grant shall be a percentage of the
25 fiscal-year-end fund balance, after deducting costs of
26 administering the fund, equal to the percentage of fee revenue
27 collected under this section during that fiscal year from owners or
28 operators of class I commercial hazardous waste disposal wells
29 located in the grantee's jurisdiction. Grants shall be awarded

1 within 60 days after the end of each state fiscal year and used to
2 promote the public health, safety, or welfare in the grantee's
3 jurisdiction.