

HOUSE BILL NO. 4389

April 24, 2025, Introduced by Reps. Wegela, Miller, McKinney, Paiz, Herzberg, Byrnes, Wilson, Xiong, Tsernoglou, Rheingans and MacDonell and referred to Committee on Natural Resources and Tourism.

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 multisource commercial hazardous waste disposal
- 3 well" means a multisource commercial hazardous waste disposal well
- 4 that meets both of the following requirements:

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

(ii) Was in operation at any time during the state fiscal year ending September 30, 2025.

(b) ~~(a)~~ "Hazardous waste", "storage facility", and "treatment facility" have the meanings ascribed to these terms in part 111.

(c) ~~(b)~~ "Multisource commercial hazardous waste disposal well" means a disposal well that receives hazardous waste ~~that is~~ generated by more than 1 person. Multisource commercial hazardous waste disposal well does not include a disposal well that receives hazardous waste generated ~~from a subsidiary of the person that owns or operates a hazardous waste disposal well.~~ **exclusively by the owner, its subsidiaries, the operator, its subsidiaries, or any combination thereof.**

(d) ~~(c)~~ "Person" includes a governmental entity.

(2) Prior to the drilling of a multisource commercial hazardous waste disposal well or the conversion of a well to a multisource commercial hazardous waste disposal well, a person ~~shall have obtained~~ **must obtain** a construction permit for an on-site treatment facility and storage facility under section ~~11118.11125.~~

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

(3) **Except as otherwise provided in this section, the owner or operator of a class I multisource commercial hazardous waste disposal well shall pay to the department a fee assessed on all waste disposed of in the well. The fee shall be based on the quantity of waste injected and, subject to subsection (4), shall be 0.417 cents per gallon. The fee shall be paid within 30 days after the close of each quarter of the calendar year. The class I**

1 multisource commercial hazardous waste disposal well owner or
2 operator shall assess the fee against off-site generators. The fee
3 for waste that is generated and disposed of on the site of a class
4 I multisource commercial hazardous waste disposal well owner or
5 operator shall be paid by that owner or operator.

6 (4) At the end of each calendar year, the state treasurer
7 shall adjust the fees in subsection (3) by an amount determined by
8 the state treasurer to reflect the cumulative percentage change in
9 the Consumer Price Index from January 1 immediately preceding the
10 effective date of the amendatory act that added this section to the
11 latest available Consumer Price Index. The state treasurer shall
12 round a fee measured in gallons to the nearest tenth of a cent. As
13 used in this subsection, "Consumer Price Index" means the most
14 comprehensive index of consumer prices available for the Detroit-
15 Warren-Dearborn area from the Bureau of Labor Statistics of the
16 United States Department of Labor or a successor agency.

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

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

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

23 (c) Waste generated pursuant to a 1-time closure or site
24 cleanup activity in this state if the closure or cleanup activity
25 has been authorized in writing by the department. Waste resulting
26 from the cleanup of inadvertent releases that occur after March 30,
27 1988 is not exempt from the fee.

28 (6) An owner or operator of a class I multisource commercial
29 hazardous waste disposal well shall assess or pay the fee described

1 in this section unless the generator provides a signed written
2 certification indicating that the waste is exempt from the fee. If
3 the waste that is exempt from the fee is required to be listed on a
4 manifest, the certification shall contain the manifest number of
5 the shipment and the specific fee exemption for which the waste
6 qualifies. If the waste that is exempt from the fee is not required
7 to be listed on a manifest, the certification shall provide the
8 quantity of exempt waste, the waste code or waste codes of the
9 exempt waste if applicable, the date of disposal, and the specific
10 fee exemption for which the waste qualifies. The owner or operator
11 of the class I multisource commercial hazardous waste disposal well
12 shall retain this certification for 4 years after the date of
13 receipt.

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

19 (8) The owner or operator of a class I multisource commercial
20 hazardous waste disposal well shall forward to the department the
21 fee revenue due under this section with a completed form that is
22 provided or approved by the department. The owner or operator shall
23 certify that all information provided in the form is accurate. The
24 form shall specify, at a minimum, the following information:

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

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

27 (c) The total amount of the fee.

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

1 (10) The department shall forward fees collected under this
2 section to the state treasurer. The state treasurer shall deposit
3 the fees in the disposal well host community fund created in
4 subsection (11).

5 (11) The disposal well host community fund is created in the
6 state treasury. The state treasurer shall deposit into the fund
7 money and other assets received under subsection (10) or from any
8 other lawful source. The state treasurer shall direct the
9 investment of money in the fund and credit interest and earnings
10 from the investments to the fund. The department is the
11 administrator of the fund for audits of the fund.

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