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BILL ANALYSIS

Senate Fiscal Agency

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Senate Bill 792 (Substitute S-2 as reported)
Sponsor: Senator Norman D. Shinkle
Committee: Natural Resources and Environmental Affairs

Mich. State Law Library

Date Completed: 2-26-90

RATIONALE

Federal rules for the siting of low-level radioactive waste facilities reportedly exclude as candidate sites areas that are wetlands in their "natural state". Since some areas of Michigan were once drained, mostly for agricultural purposes, some feel that the State's criteria for the siting of the Midwest Compact's low-level radioactive waste facility should exclude areas that originally were wetlands, but had been altered by humans. They believe that this criterion would be in compliance with the Federal "natural state" rule.

CONTENT

The bill would amend the Low-Level Radioactive Waste Authority Act to require that the Authority's final siting criteria for a low-level radioactive waste facility exclude a candidate site that contained lands that would have been designated as wetlands if the area had not previously been drained or otherwise altered by humans.

MCL 333.26210

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS**Supporting Argument**

Excluding former wetlands that had been

altered by human intervention from consideration as candidate areas for the siting of a nuclear waste facility would comply with the Federal rule that such a facility cannot be located in an area that is a wetland in its natural state. In addition, such an exclusion makes environmental sense. Drained wetlands tend to be low-lying, flat areas that have low water tables and are prone to flooding. These situations could endanger the environment and the public health if a nuclear waste facility ever were subjected to floods. The resulting erosion, with its damage to the soil in the area and potential contamination of the groundwater, could be devastating.

Response: The bill does not go far enough. Siting a nuclear waste facility on a future wetland would perhaps be even more dangerous than siting one on a former wetland. In addition to excluding former wetlands from possible candidate areas, the bill should exclude areas that are developing wetlands. The Department of Natural Resources reportedly denies land development permits in such areas already, so excluding developing wetlands from candidate areas would be consistent with current State environmental policies.

Opposing Argument

If no suitable site for a low-level radioactive waste facility is found within the State, the other Midwest Compact states are likely to file suit against Michigan. Adding to the siting criteria at this stage in the siting process could supply those states with a basis for an

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argument that Michigan's siting process was aimed at eliminating Michigan's designation as the facility's host state.

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