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BILL ANALYSIS

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Senate Bill 792 (Substitute S-5 as passed by the Senate)
Sponsor: Senator Norman D. Shinkle
Committee: Natural Resources and Environmental Affairs

Date Completed: 4-9-90

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.

In addition, some feel that the final candidate sites (i.e., specific locations) should be drawn from multiple candidate areas (i.e., general locations), so that the last sites under consideration won't necessarily have to be located in the same area.

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.

In addition, if the Authority determined that there was an analysis error or failure to consider wetlands in designating the three largest candidate areas, the Authority would

have to designate additional candidate areas so that at least the three largest areas were available from which candidate sites could be designated. "Candidate area" would mean an area of at least 10,000 acres that was "being analyzed by the authority as a possible candidate site".

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.

S.B. 792 (4-9-90)

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

While it may be fair to choose final candidate sites from multiple candidate areas, there is no logical reason why those areas under consideration should be the three largest. Rather, the final candidate areas should be those that would be the safest to the environment and the public health.

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

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