

HOUSE BILL No. 4246

February 21, 1989, Introduced by Reps. Bartnik, DeMars, Middaugh, Van Singel, Hoffman, Owen, Martin, Gire, Van Regenmorter, Giese, Hertel, Spaniola, Trim, Gagliardi, Mathieu, Pridnia, Dunaskiss, Weeks, Maynard, DeBeaussaert, Stupak, Gnodtke, Jacobetti, Palamara, Scott, Porreca, Law, Hart, Bennane, Leland, Profit, Webb, Joe Young, Jr., Gubow, Sofio, Brown, Ouwinga, Stabenow, Kosteva, Gire, Barns, Berman, Stopczynski, Jonker and Miller and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend the title and sections 7 and 10 of Act No. 307 of the Public Acts of 1982, entitled as amended "The environmental response act," being sections 299.607 and 299.610 of the Michigan Compiled Laws; and to add section 9a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 7 and 10 of Act No. 307
2 of the Public Acts of 1982, being sections 299.607 and 299.610 of
3 the Michigan Compiled Laws, are amended and section 9a is added
4 to read as follows:

TITLE

5 An act to provide for the identification, risk assessment,
6 and priority evaluation of environmental contamination at certain
7 sites in this state; to provide for response activity; to
8 prescribe certain powers and duties of the governor AND CERTAIN
9

1 STATE AGENCIES AND OFFICIALS; to provide for the promulgation of
2 rules; to create an environmental response fund AND A LONG-TERM
3 MAINTENANCE TRUST FUND; and to provide certain remedies and
4 penalties.

5 Sec. 7. (1) The governor shall include in his or her
6 annual budget recommendations to the legislature a recommended
7 level of funding to provide for further evaluation of those sites
8 identified and submitted to the legislature under section 6 and
9 the implementation of any interim response activity. The gover-
10 nor shall identify the order of priority by which the evaluation
11 of sites and the implementation of any interim response activity
12 shall proceed.

13 (2) The governor shall include in his or her annual budget
14 recommendations to the legislature a recommended level of funding
15 to provide for response activities at those sites identified and
16 submitted to the legislature pursuant to section 6. The governor
17 shall identify the order in which recommended response activities
18 shall proceed.

19 (3) BEGINNING IN 1989 AND FOR EACH FIFTH YEAR THEREAFTER,
20 THE GOVERNOR SHALL INCLUDE IN HIS OR HER ANNUAL BUDGET RECOMMEN-
21 DATIONS TO THE LEGISLATURE A RECOMMENDED LEVEL OF FUNDING TO PRO-
22 VIDE FOR THE LONG-TERM MONITORING AND MAINTENANCE OF SITES WHERE
23 RESPONSE ACTIVITY HAS OR WILL BE UNDERTAKEN DURING THE 5-YEAR
24 PERIOD.

25 (4) ~~-(3)-~~ The governor's recommendations under this section
26 shall be accompanied by a site specific description of the extent
27 of known or suspected environmental contamination, the

1 recommended responses to be undertaken, and an estimate of THE
2 cost of those responses.

3 (5) ~~(4)~~ The governor shall include in his or her recommen-
4 dations to the legislature under ~~subsections (2) and (3)~~ THIS
5 SECTION a level of response activity beyond which further
6 response activity would not, in the opinion of the governor and
7 upon the advice of the directors, result in any further signifi-
8 cant reduction of risk to the public health, safety, or welfare
9 or to the environment. The governor's recommendation under this
10 subsection shall contain the numerical score which would be given
11 to the site on a reassessment of that site after completion of
12 the response activity recommended by the governor, using the
13 numerical risk assessment model developed pursuant to section
14 6(b). ~~of this act.~~

15 ~~(5) This section shall not take effect until January 1,~~
16 ~~1983.~~

17 SEC. 9A. (1) A LONG-TERM MAINTENANCE TRUST FUND IS ESTAB-
18 LISHED AS A SEPARATE FUND IN THE STATE TREASURY. THE LONG-TERM
19 MAINTENANCE TRUST FUND SHALL BE ADMINISTERED BY THE GOVERNOR OR
20 THE GOVERNOR'S DESIGNEE.

21 (2) THE LONG-TERM MAINTENANCE TRUST FUND SHALL RECEIVE REVE-
22 NUE AS APPROPRIATED BY THE LEGISLATURE.

23 (3) INTEREST AND EARNINGS OF THE LONG-TERM MAINTENANCE TRUST
24 FUND SHALL REMAIN IN THIS FUND AND SHALL NOT REVERT TO THE GEN-
25 ERAL FUND.

26 (4) MONEY IN THE LONG-TERM MAINTENANCE TRUST FUND SHALL BE
27 EXPENDED, AS CONSIDERED NECESSARY BY THE GOVERNOR OR THE

1 GOVERNOR'S DESIGNEE, TO ASSURE PROPER MONITORING AND MAINTENANCE
2 OF CERTAIN SITES OF ENVIRONMENTAL CONTAMINATION FOR AS LONG AS
3 CONSIDERED NECESSARY BY THE GOVERNOR OR THE GOVERNOR'S DESIGNEE
4 TO ASSURE THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WEL-
5 FARE AND OF THE ENVIRONMENT.

6 (5) MONEY IN THE LONG-TERM MAINTENANCE TRUST FUND MAY BE
7 EXPENDED AT SITES FROM THE SECOND LISTING PROVIDED FOR IN SECTION
8 6(D) WHERE ALL RESPONSE ACTIVITIES HAVE BEEN UNDERTAKEN AND COM-
9 PLETED EXCEPT THOSE RESPONSE ACTIVITIES THAT ARE NECESSARY FOR
10 THE LONG-TERM MONITORING AND MAINTENANCE OF A SITE.

11 Sec. 10. (1) Money required to pay for evaluation and
12 response activities recommended under this act and to reimburse
13 state departments and agencies for expenditures for those pur-
14 poses shall be appropriated from the environmental response fund
15 and any other source the legislature considers necessary to carry
16 out the requirements of this act.

17 (2) Money from the environmental response fund shall be
18 appropriated only for evaluation and response activities at sites
19 which have been subjected to the risk assessment process
20 described in section 6.

21 (3) The environmental response fund may be used for match,
22 operation, and maintenance purposes as required under the compre-
23 hensive environmental response, compensation, and liability act
24 of 1980, PUBLIC LAW 96-510, 94 Stat. 2767.

25 (4) The governor shall recommend an annual appropriation for
26 the fund AND FOR THE LONG-TERM MAINTENANCE TRUST FUND in his or
27 her annual budget recommendations to the legislature.

1 ~~(5) This section shall not take effect until January 1,~~
2 ~~1983.~~