

HOUSE BILL No. 4907

June 7, 1989, Introduced by Rep. Scott and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend the title and section 3 of Act No. 307 of the Public Acts of 1982, entitled as amended "The environmental response act," as amended by Act No. 388 of the Public Acts of 1984, being section 299.603 of the Michigan Compiled Laws; and to add section 12.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 3 of Act No. 307 of the
2 Public Acts of 1982, as amended by Act No. 388 of the Public Acts
3 of 1984, being section 299.603 of the Michigan Compiled Laws, are
4 amended and section 12 is added to read as follows:

5 TITLE

6 An act to provide for the identification, risk assessment,
7 and priority evaluation of environmental contamination at certain
8 sites in this state; to provide for response activity; to

1 prescribe certain powers and duties of the governor AND CERTAIN
2 STATE AGENCIES AND OFFICIALS; to provide for the promulgation of
3 rules; to create an environmental response fund; and to provide
4 certain remedies and penalties.

5 Sec. 3. As used in this act:

6 (a) "Attorney general" means the department of the attorney
7 general.

8 (B) "COMMISSION" MEANS THE COMMISSION OF NATURAL RESOURCES.

9 (C) ~~-(b)-~~ "Directors" means the directors or their designees
10 of the departments of natural resources, public health, agricul-
11 ture, AND state police. ~~-, and the toxic substance control~~
12 ~~commission.~~

13 (D) ~~-(c)-~~ "Environment" means any surface water, ground
14 water, drinking water supply, land surface, subsurface strata, or
15 ambient air within the state.

16 (E) ~~-(d)-~~ "Environmental contamination" means the release of
17 a hazardous substance, or the potential release of a discarded
18 hazardous substance, in a quantity, which is or may become inju-
19 rious to the environment, or to the public health, safety, or
20 welfare.

21 (F) ~~-(e)-~~ "Evaluation" means those activities including but
22 not limited to investigation, studies, sampling, analysis, alter-
23 nate response activity plans, and administrative efforts, which
24 are needed to determine the nature, extent, and impact of a
25 release.

26 (G) ~~-(f)-~~ "Fund" means the environmental response fund
27 established in section 9.

1 (H) ~~(g)~~ "Hazardous substance" means a chemical or other
2 material which is or may become injurious to the public health,
3 safety, or welfare or to the environment.

4 (I) "HAZARDOUS SUBSTANCE EMERGENCY" MEANS A CONDITION OR
5 PRACTICE THAT REQUIRES IMMEDIATE ACTION TO PROTECT THE PUBLIC
6 HEALTH, SAFETY, OR WELFARE OR THE ENVIRONMENT FROM SERIOUS INJURY
7 DUE TO ENVIRONMENTAL CONTAMINATION.

8 (J) ~~(h)~~ "Person" means an individual, sole proprietorship,
9 partnership, association, corporation, the state, or a political
10 subdivision of the state.

11 (K) ~~(i)~~ "Release" includes, but is not limited to, any
12 spilling, leaking, pumping, pouring, emitting, emptying, dis-
13 charging, injecting, escaping, leaching, dumping, or disposing of
14 a hazardous substance into the environment.

15 (L) ~~(j)~~ "Response activity" means an activity necessary to
16 protect the public health, safety, welfare, and the environment,
17 and includes but is not limited to, evaluation, cleanup, removal,
18 containment, isolation, treatment, monitoring, maintenance,
19 replacement of water supplies, temporary relocation of people as
20 determined to be necessary by the governor or the governor's des-
21 ignee, and reimbursement for certain expenses as provided for in
22 section 11.

23 (M) ~~(k)~~ "Site" means the location of an environmental
24 contamination.

25 SEC. 12. (1) THE COMMISSION SHALL DEVOTE A PORTION OF ITS
26 AGENDA AT EACH OF ITS REGULARLY SCHEDULED MEETINGS TO PUBLIC

1 COMMENT ON PROBLEMS, CONDITIONS, AND IRREGULARITIES INVOLVING
2 HAZARDOUS SUBSTANCES OR ENVIRONMENTAL CONTAMINATION, OR BOTH.

3 (2) IF THE COMMISSION FINDS THAT A CONDITION OR PRACTICE
4 EXISTS THAT REQUIRES IMMEDIATE ACTION TO PROTECT THE PUBLIC
5 HEALTH, SAFETY, OR WELFARE, OR THE ENVIRONMENT FROM SERIOUS
6 INJURY DUE TO ENVIRONMENTAL CONTAMINATION, THE COMMISSION SHALL
7 RECOMMEND TO THE GOVERNOR THAT HE OR SHE DECLARE A HAZARDOUS SUB-
8 STANCE EMERGENCY.

9 (3) THE GOVERNOR SHALL DECLARE A HAZARDOUS SUBSTANCE EMER-
10 GENCY IF HE OR SHE FINDS THAT A CONDITION OR PRACTICE EXISTS THAT
11 REQUIRES IMMEDIATE ACTION TO PROTECT THE PUBLIC HEALTH, SAFETY,
12 OR WELFARE, OR THE ENVIRONMENT, FROM SERIOUS INJURY DUE TO ENVI-
13 RONMENTAL CONTAMINATION.

14 (4) IF THE GOVERNOR DECLARES A HAZARDOUS SUBSTANCE EMERGENCY
15 UNDER SUBSECTION (3), HE OR SHE SHALL DESIGNATE A LEAD AGENCY TO
16 INVESTIGATE AND REMEDY THE CONDITION OR PRACTICE CAUSING THE HAZ-
17 ARDOUS SUBSTANCE EMERGENCY AND SHALL ISSUE SPECIFIC GUIDELINES AS
18 ARE NECESSARY TO RESPOND TO THE HAZARDOUS SUBSTANCE EMERGENCY.

19 Section 2. This amendatory act shall take effect April 15,
20 1990.

21 Section 3. This amendatory act shall not take effect unless
22 all of the following bills of the 85th Legislature are enacted
23 into law:

24 (a) Senate Bill No. ____ or House Bill No. 4893 (request
25 no. 01427'89).

26 (b) Senate Bill No. ____ or House Bill No. 4892 (request
27 no. 01426'89 c).