



November 10, 2010

Michigan House  
Lansing, Michigan

Re: Cleanup of contaminated property and funding provisions – HB 6358-63, HB 7416-17, SB 437, SB 1345-1349, SB 1442-43

Dear Representatives,

The Michigan Environmental Council believes legislation to refine our program for the cleanup of contaminated property should have two goals, protect the public health of Michigan residents and encourage the cleanup and redevelopment of contaminated parcels. To do so, we believe the program should have clear guidelines and timelines for these parcels to be addressed.

Michigan cleanup program is twenty years old. Unfortunately, there are still thousands of contaminated sites that we knew about in 1990 that have not been cleaned up or addressed today. Since 1995, parties liable for the cleanup of contaminated properties have been required to “diligently pursue” cleanup efforts. Yet, sites remain unaddressed.

**We are taking a position of neutral on these bills.** Although they provide some guidance for moving forward they miss critical opportunities to speed cleanups and better protect public health. Included in provision that should have been addressed are the following:

- Require liable parties who have reason to believe that their property is contaminated to provide notice to the department (as is required by owners of leaking underground storage tanks).
- Require that any party who performs cleanup activities that result in the discharge of hazardous chemicals into the Great Lakes or other waters of the state to get approval for their cleanup or necessary discharge water permits.

#### **Redirection of bond fund authorization**

The Michigan Environmental Council is deeply concerned about the more than 10,000 sites of environmental contamination across the state that pose a serious risk to drinking water and public health. This is a problem that affects rural, suburban and urban districts. Currently there are two sets of bills pending in the legislature to address the issue, HBs 6416-17 (similar to SBs 1442 and, 1443), and SB 1267 that would extend the funding for leaking underground storage tanks.

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**Michigan Environmental Council, A Coalition of Organizations Protecting Michigan's People and the Environment**

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HBs 1442 and 1443 would redirect Great Lakes Water Quality Bonds (Proposal 2 in 2002) that were sold to the voters as primarily a cash infusion into the state revolving fund to address crumbling sewer infrastructure. A problem that has not gone away and still one of the primary causes of beach closures within the state. We also understand the challenges faced in funding for the cleanup and redevelopment of contaminated properties.

The Michigan Environmental Council would like to see a program that will result in the effective expenditure of funds and a comprehensive approach to contaminated property cleanup funding is agreed to by the interested parties. We believe that comprehensive approach should include the following components:

- Before redirecting significant money that Michigan voters intended to address the issue of sewage overflows in the state additional steps should be taken to address that problem. We think that of the authorized bonding amount, hundreds of millions should be made available as grants to address those systems in Michigan that pose the greatest risk of overflows into the Great Lakes. The Senate bills include a placeholder for such a program. This action would both protect the Great Lakes but provide much needed employment for those involved in the design and construction of those systems.
- The Refined Petroleum Fund should be extended for a minimum of three years (SB.1267 or HB 6173).

We appreciate your attention to this matter.

Sincerely,



James C. Kift, Policy Director