

Testimony of the Department of Natural Resources and Environment
New Economy and Quality of Life Committee
September 23, 2010

Thank you Mr. Chairman. My name is Lynelle Marolf. I am Chief of the Remediation Division in the Department of Natural Resources and Environment. We appreciate the opportunity to provide testimony today on the five-bill package that will amend Part 201, the state's primary law governing environmental cleanup.

The DNRE participated in the workgroup that was described by Senator Birkholz in her remarks. A number of important issues were reviewed and addressed through that process and we appreciate the leadership provided by Senator Birkholz and Senator Allen and their staffs. Recognizing that time is limited today and the committee needs to hear from many interested parties, I'll offer brief comments rather than a detailed review of the bills.

We support the bills that are before you today in conjunction with other legislation that I understand you will be considering in the near future that will provide a limited amount of funding to support the cleanup and redevelopment program.

The Part 201 amendments that are under consideration today are narrowly focused on the following major issues. The first two relate to redevelopment, the others are procedural changes that are intended to expedite cleanups. The bills will:

- Further encourage the reuse and redevelopment of contaminated property, including simplifying the current Baseline Environmental Assessment process, which allows people to purchase contaminated property without taking on cleanup liability,
- Address obligations of local units of government to protect the public health and safety when they use, or invite the public to use, contaminated property
- Shorten the time for cleanup plan reviews by the DNRE in most circumstances,
- Create a clear path to site closure through which a person can receive a determination from the DNRE that "no further action" is required to address contamination at a facility,
- Create a process for resolution of technical disputes that arise when the DNRE rejects a cleanup plan or "no further action" request,
- Clarify site-specific cleanup criteria approval processes, and
- Clarify and simplify the requirements for compliance with what we call the groundwater surface water pathway – the impact of contaminated groundwater on surface water. This is currently a frequent source of technical impasse.

Together, the changes are intended to speed the pace of cleanup and encourage more liable parties to bring sites to closure by providing a predictable process to get to closure. These amendments also reinforce Michigan's commitment to redevelopment through the changes in the Baseline Environmental Assessment process. This will contribute to the state's economic recovery and the vitality of our communities, especially in some of the state's urban centers.

We believe that these amendments are a necessary and appropriate step forward for the cleanup and redevelopment program and we ask for your support for this package. There are a number of other issues that were outside the scope of this undertaking that we will continue to evaluate. We look forward to continuing to work with the Legislature to assure the cleanup and redevelopment program is functioning as effectively as possible. I would be happy to answer any questions from the committee.