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Senate Bill 247 (as passed by the Senate)  
Sponsor: Senator Darrin Camilleri  
Committee: Energy and Environment

Date Completed: 9-15-25

## **RATIONALE**

According to testimony before the Senate Committee on Energy and Environment, the safety of the Class I Commercial Hazardous Waste Disposal Well in Romulus has concerned the local government for decades. Generally, these commercial wells dispose of waste that is dangerous or capable of having a harmful effect on human health on behalf of waste generators (for more information, see **BACKGROUND**). Among other concerns, Romulus is responsible for public safety, fire, or EMS services in the event of an emergency at the well but does not receive any specific funding for this increased responsibility. This waste disposal well cannot be shut down legislatively because it has already been approved by current law; however, in addition to providing funding for Romulus' safety responsibilities associated with the well, some believe that imposing disposal fees could lead to the owner taking action to remedy safety concerns or relocating the well entirely to a less populous location. Accordingly, the bill's fee of .417 cents per gallon for waste disposed of in the well has been suggested.

## **CONTENT**

**The bill would amend Part 625 (Mineral Wells) of the Natural Resources and Environmental Protection Act (NREPA) to do the following:**

- **Require the owner or operator of a Class I Multisource Commercial Hazardous Waste Disposal Well to pay the Department of Environment, Great Lakes, and Energy (EGLE) a fee of 0.417 cents per gallon assessed on all waste disposed of in a well.**
- **Require the State Treasurer to adjust fees annually according to the consumer price index (CPI).**
- **Exempt specified waste from the fee, including waste generated or removed as part of a State or Federal site cleanup activity.**
- **Require EGLE to administer the bill's requirements, including certifying quantities of waste reported and collecting fees.**
- **Create the Disposal Well Host Community Fund and require the State Treasurer to deposit fees into the Fund.**
- **Require EGLE to spend money from the Fund for administrative costs and for annual grants to local governments where Class I Multisource Commercial Hazardous Waste Disposal Wells were located for the promotion of public health, safety, or welfare.**

## **Definitions**

Part 625 defines "multisource commercial hazardous waste disposal well" as a disposal well that receives hazardous waste generated by more than one person. The term does not include a disposal well that receives hazardous waste generated from a subsidiary of the person that owns or operates a hazardous waste disposal well. Instead, under the bill, the term would not

include a disposal well that received hazardous waste *exclusively by the owner, its subsidiaries, the operator, its subsidiaries, or any combination thereof.*

The bill would define "class I multisource commercial hazardous waste disposal well" as a multisource commercial hazardous waste disposal well that is a class I well as described in 40 CFR 146.5 and was in operation at any time during the State fiscal year ending September 30, 2025.<sup>1</sup>

#### Fee Amount

Specifically, the fee would have to be based on the quantity of waste injected and would have to be 0.417 cents per gallon. The fee for fractional quantities of waste would have to be proportional. The fee would have to be paid within 30 days after the close of each quarter of the calendar year. The Class I Multisource Commercial Hazardous Waste Disposal Well owner or operator would have to assess the fee against off-site generators. The fee for waste that was generated and disposed of on the site of a Class I Multisource Commercial Hazardous Waste Disposal Well owner or operator would have to be paid by that owner or operator.

At the end of each calendar year, the State Treasurer would have to adjust the fees by an amount determined to reflect the cumulative percentage change in the CPI from January 1 immediately preceding the effective date of the bill to the latest available CPI. The State Treasurer would have to round a fee measured in gallons to the nearest tenth of a cent. "Consumer Price Index" would mean the most comprehensive index of consumer prices available for the Detroit-Warren-Dearborn area from the Bureau of Labor Statistics of the United States Department of Labor or a successor agency.

#### Waste Exempt from Fee

The bill would exempt the following waste from its fee:

- Waste exempted by rule because of its character or the treatment it had received.
- Waste that was removed as part of a site cleanup activity at the expense of State or Federal government.
- Waste generated under a one-time closure or site cleanup activity in the State if the closure or cleanup activity had been authorized by EGLE; however, waste resulting from the cleanup of inadvertent releases that occurred after March 30, 1988, would not be exempt from fees.

An owner or operator of a Class I Multisource Commercial Hazardous Waste Disposal Well would have to assess or pay the bill's fee unless the generator provided a signed written certification indicating that the waste was exempt from the fee. If the waste that was exempt from the fee were required to be listed on a manifest, the certification would have to contain the manifest number of the shipment and the specific fee exemption for which the waste qualified. If the waste that was exempt from the fee were not required to be listed on a manifest, the certification would have to provide the quantity of exempt waste, the waste code or waste codes of the exempt waste, the date of disposal, and the specific fee exemption for which the waste qualified. The owner or operator of the Class I Multisource Commercial Hazardous Waste Disposal Well would have to retain this certification for four years after the date of receipt.

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<sup>1</sup> Under 40 CFR 146.5, a class I well is a well used to inject hazardous waste beneath the lowermost formation containing underground drinking water, other industrial and municipal disposal wells that inject fluids to that depth, and radioactive waste disposal wells that inject fluids to that depth.

The bill would require EGLE, or a health department certified by EGLE, to evaluate the accuracy of generator fee exemption certifications and to take enforcement action against a generator who filed a false certification. In addition, EGLE would have to take enforcement action to collect fees that were not paid.

#### Fee Administration, the Disposal Well Host Community Fund, and Community Grants

The owner or operator of a Class I Multisource Commercial Hazardous Waste Disposal Well would have to forward to EGLE fee revenue with a completed form that was provided or approved by EGLE. The owner or operator would have to certify that all information provided in the form was accurate. The form would have to include the quantity of waste subject to a fee, any exemptions claimed, and total amount of fee assessed. The bill would require EGLE to maintain information regarding fees collected for at least three years, and EGLE would have to forward fees to the State Treasurer.

The bill would create the Disposal Well Host Community Fund and require the State Treasurer to deposit fees into the Fund, as well as money and other assets received from any other lawful source. The State Treasurer would have to direct the investment of money in the Fund and credit interest and earnings from the investments to the Fund. The bill would make EGLE the administrator of the Fund for audits.

The bill would require EGLE to spend money from the Fund on appropriation only for the costs of administering the Fund and for annual grants to cities and townships where class I multisource commercial hazardous waste disposal wells were located. The amount of each grant would have to be a percentage of the fiscal-year-end Fund balance, after deducting costs of administering the Fund, equal to the percentage of fee revenue collected during that fiscal year from owners or operators of class I multisource commercial hazardous waste disposal wells located in the grantee's jurisdiction. Grants would have to be awarded within 60 days after the end of each State fiscal year and used to promote the public health, safety, or welfare in the grantee's jurisdiction.

MCL 324.32506a

#### **PREVIOUS LEGISLATION**

*(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)*

The bill is a reintroduction of Senate Bill 938 from the 2023-2024 Legislative Session. Senate Bill 938 passed the Senate and was referred to the House Committee on Government Operations but received no further action.

#### **BACKGROUND**

Class I Multisource Commercial Hazardous Waste Disposal Wells are a type of injection well regulated by EGLE under Part 625 of NREPA. According to EGLE, Class I Multisource Commercial Hazardous Waste Disposal Wells dispose of wastes meeting hazardous waste criteria under the Resource Conservation and Recovery Act (RCRA). The RCRA generally considers hazardous waste to be dangerous or harmful for human or environmental health. Hazardous waste is generated from many sources and can include industrial waste or waste from wastewater treatment plants or air pollution control facilities. Identifying substances as hazardous waste for regulation purposes is difficult, and so the RCRA uses "solid waste" as an all-encompassing term, which means "any garbage or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, resulting from industrial, commercial, mining, and agricultural operations,

and from community activities".<sup>2</sup> According to EGLE, there are six Class I Waste Disposal Wells in Michigan, two of which are Class I Multisource Commercial Hazardous Waste Disposal Wells.<sup>3</sup> Both are located in the City of Romulus.

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

The rates established for the disposal of Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM) are too low to ensure the ecological safety of Michigan. In 2014, Governor Rick Snyder formed the Low-Level Radioactive Waste Regulatory Advisory Committee to address concerns about waste containing TENORM, or low-activity radioactive waste. According to testimony before the Senate Committee on Energy and Environment, the Advisory Committee agreed upon low disposal fees and other accompanying costs statewide to be more competitive as a disposal site for hazardous waste; however, the volume of hazardous waste that has been disposed of in Michigan wells has gone beyond the original intent of those reforms. Reportedly, the health and hospital industry alone has dumped over a million tons of hazardous waste in Michigan from in and out of state. Michigan is a popular site for hazardous waste disposal from across the country because it is often cheaper to drive the waste to Michigan and pay Michigan's lower fees.

This influx of hazardous waste in Michigan has presented environmental health concerns for the communities surrounding the wells. Firstly, testimony indicates that the wells are in the Great Lakes watershed on porous land and may have already contaminated nearby groundwater. Secondly, hazardous waste wells produce radon gas. A 10-foot cap on wells is supposed to protect nearby workers and residents, but the cap is not installed until the hazardous waste well is filled up. Sometimes, it takes five to 10 years after a well opens for it to fill up. For this duration, individuals are not protected from radon gas. The bill should be passed to compensate and protect Michigan municipalities and residents adequately for the increased health risks associated with this stream of hazardous waste.

### **Supporting Argument**

Preparedness for emergencies at Wayne Disposal is insufficient to ensure public safety. According to testimony before the Senate Committee on Energy and Environment, Wayne Disposal provides insufficient staff and emergency procedures at the well site to keep emergencies contained. This requires public emergency response personnel to get involved during an emergency; however, public personnel do not have the resources, personnel, or expertise to adequately respond to an emergency at the site. Additionally, if a dangerous incident like a fire or a spill happened at the Wayne Disposal site, the emergency response team would have to enter the site via its single access point. Reportedly, Romulus' common westerly winds would make entering at this access point dangerous because the access point is downwind from the site. This could increase the likelihood that the emergency response team would be harmed. Increasing fees for disposal at the well and allocating host communities some of the fee revenue could fund training and resources for public emergency response personnel and initiate the process of expanding infrastructure to get a second access point at the site.

Legislative Analyst: Alex Krabill

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<sup>2</sup> United States Environmental Protection Agency, *Criteria for the Definition of Solid Waste and Solid and Hazardous Waste Exclusions*, September 26, 2024. <https://www.epa.gov/hw/criteria-definition-solid-waste-and-solid-and-hazardous-waste-exclusions>

<sup>3</sup> EGLE, *Injection Wells in Michigan*. <https://www.michigan.gov/egle/about/organization/geologic-resources-management/oil-and-gas/injection-wells>

## **FISCAL IMPACT**

The bill would have a limited positive fiscal impact on EGLE and a positive impact on affected local governments. The extent of the impact would depend on the amount of fee revenue generated at the two Class I Multisource Commercial Hazardous Waste Disposal Wells in the State. These fees would be CPI-adjusted annually by the State Treasurer. Administrative costs would be recuperated from the fees, and the remainder of the fee revenue would be allocated to providing grants to the local communities within whose jurisdiction a Class I Multisource Commercial Hazardous Waste Disposal Well operated. Fee revenue would be deposited into the newly created Disposal Well Host Community Fund.

The bill would have no fiscal impact on the Department of Treasury. Based on the level of estimated revenue within the Fund, the ongoing costs associated with administering and investing the Fund would be less than \$100 and are within current appropriations.

There are currently only two Class I Multisource Commercial Hazardous Waste Disposal Wells in the State, both located in the City of Romulus. The City of Romulus would receive all the dollars collected in the Disposal Well Host Community Fund at the end of each fiscal year after administrative expenses.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.