



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 1195 (as reported without amendment)
Senate Bill 1196 (Substitute S-1 as reported)
Sponsor: Senator Rebekah Warren (S.B. 1195)
Senator Tom Casperson (S.B. 1196)
Committee: Natural Resources

CONTENT

Senate Bill 1196 (S-1) would amend Part 111 (Hazardous Waste Management) of the Natural Resources and Environmental Protection Act to do the following:

- Prohibit a person from delivering to a landfill or type II landfill for disposal technologically enhanced naturally occurring radioactive materials (TENORM) with certain concentrations of specified radionuclides.
- Prohibit the owner or operator of a landfill or type II landfill from permitting a delivery of TENORM for disposal at the landfill unless the generator provided the owner or operator of the landfill with certain information.
- Provide requirements for a request for the renewal of or a major modification to an operating license involving disposal of TENORM that exceeded certain thresholds.
- Require the operator of the landfill or type II landfill to conduct a monitoring program if TENORM were disposed of at the landfill.

Senate Bill 1195 would add Section 11109 to the Natural Resources and Environmental Protection Act to do the following:

- Require the owner or operator of a landfill to pay to the Department of Environmental Quality (DEQ) a \$5 per ton fee assessed on TENORM disposed of in the landfill.
- Require the landfill owner or operator to forward to the Department the fee revenue with a completed form that was provided or approved by the DEQ.
- Create the TENORM Account in the Environmental Pollution Prevention Fund.
- Require the Department to forward fees on TENORM disposals to the State Treasurer for deposit in the TENORM Account.
- Require money in the TENORM Account to be spent only for purposes specified in the bill.

The bills are tie-barred.

Proposed MCL 324.11109 (S.B. 1195)
MCL 324.11104 et al. (S.B. 1196)

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on the Department of Environmental Quality (DEQ). The bills would create new restrictions on the disposal of technologically enhanced naturally occurring radioactive material (TENORM) and would offset at least some portion of the cost of those restrictions with a disposal fee of \$5 per ton on TENORM disposed

of in Michigan landfills. There is currently only one landfill in Michigan where this type of waste is disposed of, and that landfill accepts about 50,000 tons of TENORM per year. Under current practice, then, the fee would generate about \$250,000 per year. Any shortfall in revenue relative to regulatory costs would be borne by existing DEQ resources, most likely the Solid Waste Management Fund. The Solid Waste Management Fund is primarily funded by a \$0.12 per cubic yard surcharge on normal landfill waste, and is the primary fund source for the regulation of landfills in Michigan. In total, the Fund receives about \$5.5 million per year.

Otherwise, the bills would have no fiscal impact on the State and could have a negative fiscal impact on local government. To the extent that changes in the bills led to increased misdemeanor arrests and prosecutions, they could increase resource demands on law enforcement, court systems, and jails. Any increased penal fine revenue would be dedicated to public libraries.

Date Completed: 12-6-18

Fiscal Analyst: Abbey Frazier
Josh Sefton