

HOUSE BILL No. 5764

April 23, 1998, Introduced by Reps. Basham, Varga, Hale, DeHart, Stallworth, Quarles, Brater, Schermesser and Bogardus and referred to the Committee on Conservation, Environment and Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 62501, 62506a, and 62509 (MCL 324.62501,
324.62506a, and 324.62509), sections 62501 and 62509 as added by
1995 PA 57 and section 62506a as added by 1996 PA 168.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 62501. As used in this part:

2 (a) "Artificial brine" means mineralized water formed by
3 dissolving rock salt or other readily soluble rocks or minerals.

4 (b) "Brine well" means a well drilled or converted for the
5 purpose of producing natural or artificial brine.

6 (c) "Disposal well" means a well drilled or converted for
7 subsurface disposal of waste products or processed brine and its
8 related surface facilities.

1 (d) "Exploratory purposes" means test well drilling for the
2 specific purpose of discovering or outlining an orebody or
3 mineable mineral resource.

4 (e) "Mineral well" means any well subject to this part.

5 (F) "MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL"
6 MEANS A DISPOSAL WELL THAT RECEIVES HAZARDOUS WASTE THAT IS GEN-
7 ERATED BY MORE THAN 1 PERSON. MULTISOURCE COMMERCIAL HAZARDOUS
8 WASTE DISPOSAL WELL DOES NOT INCLUDE A DISPOSAL WELL THAT
9 RECEIVES HAZARDOUS WASTE GENERATED FROM A SUBSIDIARY OF THE
10 PERSON THAT OWNS OR OPERATES A HAZARDOUS WASTE DISPOSAL WELL.

11 (G) ~~-(f)-~~ "Natural brine" means naturally occurring mineral-
12 ized water other than potable or fresh water.

13 (H) ~~-(g)-~~ "Operator" means the person, whether owner or not,
14 supervising or responsible for the drilling, operating, repair-
15 ing, abandoning, or plugging of wells subject to this part.

16 (I) ~~-(h)-~~ "Owner" means the person who has the right to
17 drill, convert, or operate any well subject to this part.

18 (J) ~~-(i)-~~ "Person" means any individual, corporation, com-
19 pany, association, joint venture, partnership, receiver, trustee,
20 guardian, executor, administrator, personal representative, or
21 private organization of any kind.

22 (K) ~~-(j)-~~ "Pollution" means damage or injury from the loss,
23 escape, or unapproved disposal of any substance at any well
24 subject to this part.

25 (l) ~~-(k)-~~ "Storage well" means a well drilled into a subsur-
26 face formation to develop an underground storage cavity for
27 subsequent use in storage operations.

1 (M) ~~-(I)-~~ "Supervisor of mineral wells" means the state
2 geologist.

3 (N) ~~-(m)-~~ "Surface waste" means damage to, injury to, or
4 destruction of surface waters, soils, animal, fish, and aquatic
5 life, or surface property from unnecessary seepage or loss inci-
6 dental to or resulting from drilling, equipping, or operating a
7 well or wells subject to this part.

8 (O) ~~-(n)-~~ "Test well" means a well, core hole, core test,
9 observation well, or other well drilled from the surface to
10 determine the presence of a mineral, mineral resource, ore, or
11 rock unit, or to obtain geological or geophysical information or
12 other subsurface data. Test well does not include holes drilled
13 in the operation of a quarry, open pit, or underground mine.

14 (P) ~~-(o)-~~ "Underground storage cavity" means a cavity formed
15 by dissolving rock salt or other readily soluble rock or mineral,
16 by nuclear explosion, or by any other method for the purpose of
17 storage or disposal.

18 (Q) ~~-(p)-~~ "Underground waste" means damage or injury to
19 potable water, mineralized water, or other subsurface resources.

20 (R) ~~-(q)-~~ "Waste product" means waste or byproduct resulting
21 from municipal or industrial operations or waste from any trade,
22 manufacture, business, or private pursuit that could cause pollu-
23 tion and for which underground disposal may be feasible or
24 practical.

25 Sec. 62506a. (1) As used in this section:

26 (a) "Hazardous waste", "storage facility", and "treatment
27 facility" have the meanings ascribed to these terms in part 111.

1 ~~-(b) "Multisource commercial hazardous waste disposal well"~~
2 ~~means a disposal well that receives hazardous waste that is gen-~~
3 ~~erated by more than 1 person. Multisource commercial hazardous~~
4 ~~waste disposal well does not include a disposal well that~~
5 ~~receives hazardous waste generated from a subsidiary of the~~
6 ~~person that owns or operates a hazardous waste disposal well.~~

7 (B) ~~-(c)~~ "Person" includes a governmental entity.

8 (2) Prior to the drilling of a multisource commercial haz-
9 arduous waste disposal well or the conversion of a well to a
10 multisource commercial hazardous waste disposal well, a person
11 shall have obtained a construction permit for an on-site treat-
12 ment facility and storage facility under section 11118.

13 (3) Nothing in the amendatory act that added this section
14 shall be construed to abrogate common law.

15 Sec. 62509. (1) A person shall not drill or begin the
16 drilling of any brine, storage, or waste disposal well, or con-
17 vert any well for these uses, until the owner directly or through
18 his or her authorized representative files ~~a~~ AN ADMINISTRA-
19 TIVELY COMPLETE written application for a permit to drill or con-
20 vert a well, files a survey of the well site, files an approved
21 surety or security bond, and receives a permit pursuant to the
22 rules of the supervisor of mineral wells. FOR MULTISOURCE COM-
23 Mercial Hazardous Waste Disposal Wells, the bond required under
24 this subsection shall be in an amount not less than \$25,000.00
25 per well as provided by rules of the supervisor of mineral wells.
26 A fee of \$50.00 shall be charged for a brine, storage, or waste
27 disposal well permit. Within 10 days after receiving ~~the~~

1 ~~prescribed~~ AN ADMINISTRATIVELY COMPLETE application and
2 APPLICATION fee, and following investigation, inspection, and
3 approval, the supervisor of mineral wells shall issue the well
4 permit. A permit shall not be issued to any owner or his or her
5 authorized representative who does not comply with the rules of
6 the supervisor of mineral wells or who is in violation of this
7 part or any rule of the supervisor of mineral wells. Upon com-
8 pletion of the drilling or converting of a well for storage or
9 waste disposal and after necessary testing by the owner to deter-
10 mine that the well can be used for these purposes and in a manner
11 that will not cause surface or underground waste, the supervisor
12 of mineral wells, upon receipt of appropriate evidence, shall
13 approve and regulate the use of the well for storage or waste
14 disposal. These operations shall be pursuant to part 31. The
15 supervisor of mineral wells may schedule a public hearing to con-
16 sider the need or advisability of permitting the drilling or
17 operating of a storage or waste disposal well, or converting a
18 well for these uses, if the public safety or other interests are
19 involved. IF, WITHIN 1 YEAR AFTER THE SUPERVISOR OF MINERAL
20 WELLS ISSUES A PERMIT TO DRILL OR CONVERT A WELL FOR STORAGE OR
21 WASTE DISPOSAL, THAT WELL HAS NOT BEEN DRILLED OR CONVERTED, THE
22 PERMITTEE SHALL PROVIDE PUBLIC NOTICE IN A MANNER PRESCRIBED BY
23 THE SUPERVISOR OF MINERAL WELLS OF THE PENDING DRILLING OR CON-
24 VERSION IN A NEWSPAPER OF GENERAL CIRCULATION COVERING THE GEO-
25 GRAPHIC AREA IN WHICH THE WELL IS PROPOSED TO BE LOCATED. IF THE
26 SUPERVISOR OF MINERAL WELLS GRANTS AN EXTENSION TO A PERMIT TO
27 DRILL OR CONVERT A WELL FOR STORAGE OR WASTE DISPOSAL, THE

1 PERMITTEE SHALL PROVIDE PUBLIC NOTICE IN A MANNER PRESCRIBED BY
2 THE SUPERVISOR OF MINERAL WELLS OF THE EXTENSION IN A NEWSPAPER
3 OF GENERAL CIRCULATION COVERING THE GEOGRAPHIC AREA IN WHICH THE
4 WELL IS PROPOSED TO BE LOCATED.

5 (2) THE SUPERVISOR SHALL NOT APPROVE A PERMIT TO DRILL OR
6 CONVERT A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL
7 UNLESS BOTH OF THE FOLLOWING CONDITIONS ARE MET:

8 (A) THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL
9 WILL BE OR IS LOCATED AT LEAST 1,000 FEET FROM THE BOUNDARY OF A
10 RESIDENTIALLY ZONED AREA THAT WAS ZONED FOR RESIDENTIAL USE ON OR
11 BEFORE THE EFFECTIVE DATE OF THIS SECTION.

12 (B) THE APPLICANT OWNS THE PROPERTY ON WHICH THE MULTISOURCE
13 COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL IS LOCATED OR IS PRO-
14 POSED TO BE LOCATED.

15 (3) ~~-(2)-~~ A person shall not drill a test well, except as
16 provided in section 62508(c), until the owner directly or through
17 his or her authorized representative files a written application
18 for a permit to drill, files an approved surety or security bond,
19 and receives a permit pursuant to the rules of the supervisor of
20 mineral wells. A fee of \$1.00 shall be charged for a permit to
21 drill a test well. Within 10 days after receiving the prescribed
22 application and fee, and following necessary investigation,
23 inspection, and approval, the supervisor of mineral wells shall
24 issue the permit. A permit shall not be issued to any owner or
25 his or her authorized representative who does not comply with the
26 rules of the supervisor of mineral wells or who is in violation
27 of this part or any rule of the supervisor of mineral wells.

1 (4) ~~-(3)-~~ A permit is not required to drill a test well in
2 those areas of the state where rocks of Precambrian age directly
3 underlie unconsolidated surface deposits or in those areas that
4 have been designated pursuant to section 62508(c). However,
5 within 2 years after completion of the drilling of the well, the
6 owner shall advise the supervisor of mineral wells of the loca-
7 tion of the well and file with the supervisor of mineral wells
8 the log required under section 62508(d). The provisions of this
9 part pertaining to the prevention and correction of surface and
10 underground waste have the same application to these test wells
11 as to other wells defined in this part.

12 (5) ~~-(4)-~~ Upon request, the supervisor of mineral wells may
13 issue a blanket permit to drill test wells within a limited or
14 local area where a geological test program is intended, and issue
15 a blanket permit to drill test wells to qualified persons.

16 (6) ~~-(5)-~~ All information and records pertaining to the
17 application for and issuance of permits for wells subject to this
18 part shall be held confidential in the same manner as provided
19 for logs and reports on these wells.

20 (7) ~~-(6)-~~ The supervisor of mineral wells shall deposit all
21 fees in the state treasury to be credited to the general fund.

22 Enacting section 1. This amendatory act does not take
23 effect unless Senate Bill No. _____ or House Bill No. _____
24 (request no. 04479'97) of the 89th Legislature is enacted into
25 law.