

NONMETALLIC MINE RECLAMATION PROGRAM

House Bill 4914

Sponsor: Rep. Eileen Kowall

House Committee: Appropriations

(Enacted as Public Act 214 of 2011)

Complete to 9-19-11

A SUMMARY OF HOUSE BILL 4914 AS REPORTED FROM COMMITTEE 9-14-2011

House Bill 4914 would amend the Natural Resources and Environmental Protection Act (NREPA) to eliminate the provisions in Part 631 (Reclamation of Mining Lands, MCL 324.63101 - 324.63103e) that apply to nonmetallic mines and remove the statutory requirement of a comprehensive study of mining areas (MCL 324.63102). The bill would also amend the following parts of NREPA: Part 13 (Permits), Part 91 (Soil Erosion and Sedimentation Control), and the heading of Part 633 (Mineral Mining).

The Office of Geologic Survey within the DEQ administers the Mining and Reclamation Program which currently regulates the following five categories of mines:

- iron mines
- nonferrous metal mines
- sand dune mines
- coal mines
- nonmetallic open-pit mines

The program also requires the reclamation of mining areas once mining activities have ceased to protect the natural resources of the area and ensure that the land is left suitable for future uses. This bill would eliminate the statutory references to nonmetallic mines which would effectively allow the DEQ to eliminate any oversight programs for nonmetallic mines such as the Nonmetallic Mine Reclamation Program. Nonmetallic mines produce minerals such as gypsum, limestone, sandstone, or shale.

The bill would also repeal Section 63102 which requires that the Department conduct a comprehensive study and survey to determine the extent and type of regulation of mining areas that are necessary to protect the public interest. This survey has been successfully conducted as the statute required.

FISCAL IMPACT:

The Mining and Reclamation Program located within the Office of Geologic Survey received \$130,800 restricted funding in FY 2010. This funding finances the program's regulation of the five mine categories listed above. According to the DEQ, there has been no funding appropriated for the fifth category of mines listed, the nonmetallic mines, since 1982. Nonmetallic mines do not require a permit to operate, so the Department does not receive fee revenue for the nonmetallic mining program. DEQ has not

participated in any enforcement or monitoring activities of these mines since funding was eliminated in 1982.

House Bill 4914 would have no fiscal impact on the Department of Environmental Quality.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.