



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

BILL ANALYSIS



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

House Bill 6269 (Substitute S-1 as reported)
Sponsor: Representative Gary Howell
House Committee: Natural Resources
Senate Committee: Natural Resources

CONTENT

The bill would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to do the following:

- Allow a captive facility to accept coal ash generated in a county other than the county in which it was generated.
- Prescribe requirements for a new coal ash landfill, a new coal ash impoundment, or a new lateral expansion of a coal ash landfill or impoundment.
- Prohibit the Department of Environmental Quality (DEQ) from issuing a construction permit for a new coal ash landfill or new coal ash impoundment or a new lateral expansion of a coal ash landfill or coal ash impoundment unless the applicant met certain requirements.
- Provide the DEQ with criteria for making determinations on applications.
- Require the DEQ to provide notice to the community in which the new coal ash landfill or new coal ash impoundment was proposed.
- Require an applicant for a coal ash landfill or a coal ash impoundment operating license to pay a \$13,000 fee.
- Require the owner or operator of a coal ash impoundment to comply with Federal regulations and laws.
- Require the owner or operator of a coal ash impoundment to provide financial assurance.
- Create the "Coal Ash Care Fund", and provide for the disposition of money from the Fund.

MCL 324.11502 et al.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the Department of Environmental Quality (DEQ) and no fiscal impact on local units of government. The bill would establish a regulatory and permitting program for coal ash landfills, the funding for which would come primarily from a \$13,000 annual fee paid by each regulated entity. The DEQ estimates approximately 15 facilities would be subject to these regulations and fees, resulting in estimated annual revenue of about \$195,000. The cost to the State to employ one full-time equated (FTE) employee is about \$120,000, so these fees would cover the employment costs of about 1.5 FTEs. If this program could be adequately staffed by 1.5 FTEs (in practice this could mean three people each spending 50% of their time on the program) then the fiscal impact of the bill on the DEQ would be neutral or potentially positive. If, however, additional FTEs were necessary, or if the program required significant overhead or other costs, then the fiscal impact on the DEQ would be negative and those additional costs would be borne by existing resources in the Waste Management and Radiological Protection Division of the DEQ.

Date Completed: 12-20-18

Fiscal Analyst: Josh Sefton

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Bill Analysis @ www.senate.michigan.gov/sfa

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