

# HOUSE BILL No. 4094

January 28, 1999, Introduced by Reps. Basham, DeHart, Hale, Brater and Bogardus and referred to the Committee on Conservation and Outdoor 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 amended  
by 1998 PA 467 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) "Department" means the department of environmental  
7 quality.

1 (d) "Disposal well" means a well drilled or converted for  
2 subsurface disposal of waste products or processed brine and its  
3 related surface facilities.

4 (e) "Exploratory purposes" means test well drilling for the  
5 specific purpose of discovering or outlining an orebody or mine-  
6 able mineral resource.

7 (f) "Fund" means the mineral well regulatory fund created in  
8 section 62509b.

9 (g) "Mineral well" means any well subject to this part.

10 (H) "MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL"  
11 MEANS A DISPOSAL WELL THAT RECEIVES HAZARDOUS WASTE THAT IS GEN-  
12 ERATED BY MORE THAN 1 PERSON. MULTISOURCE COMMERCIAL HAZARDOUS  
13 WASTE DISPOSAL WELL DOES NOT INCLUDE A DISPOSAL WELL THAT  
14 RECEIVES HAZARDOUS WASTE GENERATED FROM A SUBSIDIARY OF THE  
15 PERSON THAT OWNS OR OPERATES A HAZARDOUS WASTE DISPOSAL WELL.

16 (I) ~~-(h)-~~ "Natural brine" means naturally occurring mineral-  
17 ized water other than potable or fresh water.

18 (J) ~~-(i)-~~ "Operator" means the person, whether owner or not,  
19 supervising or responsible for the drilling, operating, repair-  
20 ing, abandoning, or plugging of wells subject to this part.

21 (K) ~~-(j)-~~ "Owner" means the person who has the right to  
22 drill, convert, or operate any well subject to this part.

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

26 (M) ~~-(l)-~~ "Storage well" means a well drilled into a  
27 subsurface formation to develop an underground storage cavity for

1 subsequent use in storage operations. Storage well does not  
2 include a storage well drilled pursuant to part 615.

3 (N) ~~-(m)-~~ "Supervisor of mineral wells" means the state  
4 geologist.

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

10 (P) ~~-(o)-~~ "Test well" means a well, core hole, core test,  
11 observation well, or other well drilled from the surface to  
12 determine the presence of a mineral, mineral resource, ore, or  
13 rock unit, or to obtain geological or geophysical information or  
14 other subsurface data related to mineral exploration and  
15 extraction. Test well does not include holes drilled in the  
16 operation of a quarry, open pit, or underground mine, or any  
17 wells not related to mineral exploration or extraction.

18 (Q) ~~-(p)-~~ "Underground storage cavity" means a cavity formed  
19 by dissolving rock salt or other readily soluble rock or mineral,  
20 by nuclear explosion, or by any other method for the purpose of  
21 storage or disposal.

22 (R) ~~-(q)-~~ "Underground waste" means damage or injury to  
23 potable water, mineralized water, or other subsurface resources.

24 (S) ~~-(r)-~~ "Waste product" means waste or by-product result-  
25 ing from municipal or industrial operations or waste from any  
26 trade, manufacture, business, or private pursuit that could cause

1 pollution and for which underground disposal may be feasible or  
2 practical.

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

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

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

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

13 (2) Prior to the drilling of a multisource commercial haz-  
14 ardous waste disposal well or the conversion of a well to a  
15 multisource commercial hazardous waste disposal well, a person  
16 shall have obtained a construction permit for an on-site treat-  
17 ment facility and storage facility under section 11118.

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

20 Sec. 62509. (1) A person shall not drill or begin the  
21 drilling of any brine, storage, or waste disposal well, or con-  
22 vert any well for these uses, until the owner directly or through  
23 his or her authorized representative files ~~a~~ AN ADMINISTRA-  
24 TIVELY COMPLETE written application for a permit to drill or con-  
25 vert a well, pays the application fee provided in subsection  
26 ~~-(6)-~~ (7), files a survey of the well site, files an approved  
27 surety or security bond, and receives a permit pursuant to the

1 rules of the supervisor of mineral wells. FOR MULTISOURCE  
2 COMMERCIAL HAZARDOUS WASTE DISPOSAL WELLS, THE BOND REQUIRED  
3 UNDER THIS SUBSECTION SHALL BE IN AN AMOUNT NOT LESS THAN  
4 \$25,000.00 PER WELL AS PROVIDED BY RULES OF THE SUPERVISOR OF  
5 MINERAL WELLS. Within 10 days after receiving ~~the prescribed~~ AN  
6 ADMINISTRATIVELY COMPLETE application and APPLICATION fee, and  
7 following investigation, inspection, and approval, the supervisor  
8 of mineral wells shall issue the well permit. A permit shall not  
9 be issued to any owner or his or her authorized representative  
10 who does not comply with the rules of the supervisor of mineral  
11 wells or who is in violation of this part or any rule of the  
12 supervisor of mineral wells. Upon completion of the drilling or  
13 converting of a well for storage or waste disposal and after nec-  
14 essary testing by the owner to determine that the well can be  
15 used for these purposes and in a manner that will not cause sur-  
16 face or underground waste, the supervisor of mineral wells, upon  
17 receipt of appropriate evidence, shall approve and regulate the  
18 use of the well for storage or waste disposal. These operations  
19 shall ~~be pursuant to~~ COMPLY WITH part 31. The supervisor of  
20 mineral wells may schedule a public hearing to consider the need  
21 or advisability of permitting the drilling or operating of a  
22 storage or waste disposal well, or converting a well for these  
23 uses, if the public safety or other interests are involved. IF,  
24 WITHIN 1 YEAR AFTER THE SUPERVISOR OF MINERAL WELLS ISSUES A  
25 PERMIT TO DRILL OR CONVERT A WELL FOR STORAGE OR WASTE DISPOSAL,  
26 THAT WELL HAS NOT BEEN DRILLED OR CONVERTED, THE PERMITTEE SHALL  
27 PROVIDE PUBLIC NOTICE IN A MANNER PRESCRIBED BY THE SUPERVISOR OF

1 MINERAL WELLS OF THE PENDING DRILLING OR CONVERSION IN A  
2 NEWSPAPER OF GENERAL CIRCULATION COVERING THE GEOGRAPHIC AREA IN  
3 WHICH THE WELL IS PROPOSED TO BE LOCATED. IF THE SUPERVISOR OF  
4 MINERAL WELLS GRANTS AN EXTENSION TO A PERMIT TO DRILL OR CONVERT  
5 A WELL FOR STORAGE OR WASTE DISPOSAL, THE PERMITTEE SHALL PROVIDE  
6 PUBLIC NOTICE IN A MANNER PRESCRIBED BY THE SUPERVISOR OF MINERAL  
7 WELLS OF THE EXTENSION IN A NEWSPAPER OF GENERAL CIRCULATION COV-  
8 ERING THE GEOGRAPHIC AREA IN WHICH THE WELL IS PROPOSED TO BE  
9 LOCATED.

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

13 (A) THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL  
14 WILL BE OR IS LOCATED AT LEAST 1,000 FEET FROM THE BOUNDARY OF A  
15 RESIDENTIALLY ZONED AREA THAT WAS ZONED FOR RESIDENTIAL USE ON OR  
16 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
17 SUBDIVISION.

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

21 (3) ~~-(2)-~~ A person shall not drill a test well 50 feet or  
22 greater in depth into the bedrock or below the deepest freshwater  
23 strata, except as provided in section 62508(c), until the owner  
24 directly or through his or her authorized representative files a  
25 written application for a permit to drill, pays the permit appli-  
26 cation fee provided in subsection ~~-(6)-~~ (7), files an approved  
27 surety or security bond, and receives a permit pursuant to the

1 rules of the supervisor of mineral wells. Within 10 days after  
2 receiving the prescribed application and fee, and following nec-  
3 essary investigation, inspection, and approval, the supervisor of  
4 mineral wells shall issue the permit. A permit shall not be  
5 issued to any owner or his or her authorized representative who  
6 does not comply with the rules of the supervisor of mineral wells  
7 or who is in violation of this part or any rule of the supervisor  
8 of mineral wells. A test well that penetrates below the deepest  
9 freshwater stratum or is greater than 250 feet in depth is  
10 subject to an individual test well permit. A test well that does  
11 not penetrate below the deepest freshwater stratum and is 250  
12 feet or less in depth is subject to a blanket test well permit.  
13 This subsection does not apply to a test well regulated under  
14 part 111 or part 115, or a water well regulated under part 127 of  
15 the public health code, 1978 PA 368, MCL 333.12701 to 333.12771.  
16 (4) ~~-(3)-~~ A permit is not required to drill a test well in  
17 those areas of the state where rocks of Precambrian age directly  
18 underlie unconsolidated surface deposits or in those areas that  
19 have been designated pursuant to section 62508(c). However,  
20 within 2 years after completion of the drilling of the well, the  
21 owner shall advise the supervisor of mineral wells of the loca-  
22 tion of the well and file with the supervisor of mineral wells  
23 the log required under section 62508(d). The provisions of this  
24 part pertaining to the prevention and correction of surface and  
25 underground waste have the same application to these test wells  
26 as to other wells defined in this part.

1       (5) ~~-(4)-~~ Upon request, the supervisor of mineral wells may  
 2 issue to qualified persons a blanket permit to drill within a  
 3 county test wells which will not penetrate below the deepest  
 4 freshwater stratum and are 250 feet or less in depth.

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

9       (7) ~~-(6)-~~ A permit application submitted under this section  
 10 shall be accompanied by the following permit application fee:

11       (a) Disposal well for disposal of waste pro-	
12 ducts other than processed brine.....	\$2,500.00.
13       (b) Disposal well for disposal of processed	
14 brine.....	\$500.00.
15       (c) Storage well.....	\$500.00.
16       (d) Natural brine production well.....	\$500.00.
17       (e) Artificial brine production well.....	\$500.00.
18       (f) Individual test well under subsection <del>-(2)-</del>	
19 (3).....	\$500.00.
20       (g) Blanket permit for test wells drilled pursuant to sub-	
21 section <del>-(4)-</del> (5):	
22       (i) 1 to 24 wells.....	\$75.00.
23       (ii) 25 to 49 wells.....	\$150.00.
24       (iii) 50 to 75 wells.....	\$300.00.
25       (iv) 75 to 200 wells.....	\$600.00.

1       (8) ~~—(7)—~~ The supervisor of mineral wells shall  
2 deposit all permit application fees collected under  
3 this section into the fund. ....

4       Enacting section 1. This amendatory act does not take  
5 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
6 (request no. 00844'99) of the 90th Legislature is enacted into  
7 law.