

Legislative Analysis



BASELINE ENVIRONMENTAL ASSESSMENT FEE

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House Bill 4774

Sponsor: Rep. Chris Kolb

Committee: Natural Resources, Great Lakes, Land Use, and Environment

Complete to 5-18-05

A SUMMARY OF HOUSE BILL 4774 AS INTRODUCED 5-11-05

The bill would amend Part 201 (Environmental Remediation) of the Natural Resources and Environmental Protection Act to extend the sunset from June 5, 2005 to June 5, 2006 for the \$750 fee for a petition to exempt a person from cleanup costs of a contaminated site if a baseline environmental assessment is completed.

Under Part 201 a person who becomes the owner or operator of a contaminated site is liable for cleanup costs unless a baseline environmental assessment (BEA) is conducted on the property before or within 45 days after the property is purchased, foreclosed, or occupied. Within six months after the BEA is completed, a person may petition the Department of Environmental Quality (DEQ) for a determination whether certain criteria have been met for an exemption from liability for cleanup costs. Through June 5, 2005, the petition is to be accompanied by a fee of \$750, which is deposited into the Cleanup and Redevelopment Fund and covers a portion of the DEQ's costs in implementing the baseline environmental assessment program.

Under Part 201, a "baseline environmental assessment" is defined to mean an evaluation of environmental conditions that exist at a facility at the time of purchase, occupancy, or foreclosure that reasonably defines the existing conditions and circumstance at the facility so that, in the event of a subsequent release, there is a means of distinguishing the new release from existing contamination.

MCL 324.20129a

FISCAL IMPACT:

This bill would allow the Department to continue to collect the Baseline Environmental Assessment fee for another year (2006). If this bill is not enacted, the BEA program ceases to exist on June 5, 2005. There would be no fiscal impact on local governmental units.

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