



MICHIGAN  
HOUSE OF REPRESENTATIVES  
P.O. Box 30014  
LANSING, MICHIGAN 48909-7514

Minutes of the House Standing Committee  
on  
Natural Resources

Wednesday, October 3, 2018 9:00 a.m. Room 326, House Office Building

The House Standing Committee on Natural Resources was called to order by Representative Gary Howell, Chair.

The Clerk called the roll; members present were **Representatives Howell, LaFave, Maturen, Bellino, Rendon, VanderWall, Sowerby, Chang, and Cambensy. (9/9)**  
The Clerk announced that a quorum was present.

The Chair laid before the committee the minutes of September 26, 2018, as printed.

**Representative Bellino moved to adopt the minutes of September 26, 2018, as printed. There being no objection the motion prevailed by unanimous consent of the members present; the minutes were adopted as printed.**

The Chair laid before the committee House Bill 6269.

**HB 6269 (Howell)** Environmental protection; solid waste; coal combustion residuals; provide for assumption of federal permit program.

Harold D. Register, Jr., P.E. Senior Engineer of Landfill Compliance in Environmental Services at Consumers Energy explained the (H-1) substitute for House Bill 6269.

Sarah M. Howes, Legislative Liaison in the Executive Division of the Michigan Department of Environmental Quality, and Margie Ring, Solid Waste Engineering Coordinator in the Solid Waste Section of the Waste Management and Radiological Protection Division in the Department of Environmental Quality, spoke on the substitute.

Charlotte Jameson, Energy Policy and Legislative Affairs Director for the Michigan Environmental Council, testified in opposition to the bill.

The following individuals submitted a testimony card in support of the bill, but did not wish to speak:

Jim Weeks, Executive Director of the Michigan Municipal Electric Association, and

Jason Geer, Director of Energy and Environmental Policy for the Michigan Chamber of Commerce.

The Chair offered the substitute (H-1) for House Bill 6269.

**Representative LaFave moved to adopt substitute (H-1) to House Bill 6269.**

**The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:**

**Yeas: Representatives Howell, LaFave, Maturen, Bellino, Rendon, VanderWall, Sowerby, Chang and Cambensy, (9/9)**

**Nays: None. (0/9)**

The substitute was adopted.

**Representative Sowerby offered and moved to adopt the following amendments to House Bill 6269 (H-1):**

1. Amend page 49, line 7, after "IN" by striking out the balance of the line through "11512A(1)" on line 8 and inserting "SECTION 11511A(3)".

2. Amend page 50, following line 17, by inserting:

**"(14) EXCEPT AS PROVIDED BY SUBSECTION (15), IF AT ANY TIME AFTER OCTOBER 19, 2015 AN OWNER OR OPERATOR OF AN EXISTING UNLINED COAL ASH IMPOUNDMENT DETERMINES IN ANY SAMPLING EVENT THAT THE CONCENTRATIONS OF 1 OR MORE CONSTITUENTS LISTED IN APPENDIX IV TO 40 CFR PART 257 ARE DETECTED AT STATISTICALLY SIGNIFICANT LEVELS ABOVE THE GROUNDWATER PROTECTION STANDARD ESTABLISHED UNDER 40 CFR 257.95(H) FOR THE COAL ASH IMPOUNDMENT, WITHIN 6 MONTHS AFTER MAKING THE DETERMINATION, THE OWNER OR OPERATOR OF THE EXISTING UNLINED COAL ASH IMPOUNDMENT SHALL CEASE PLACING COAL ASH AND NON-COAL ASH WASTE STREAMS INTO THE COAL ASH IMPOUNDMENT AND EITHER RETROFIT OR CLOSE THE UNIT IN COMPLIANCE WITH THE REQUIREMENTS OF 40 CFR 257.102.**

**(15) AN OWNER OR OPERATOR OF AN EXISTING UNLINED COAL ASH IMPOUNDMENT THAT CLOSSES IN COMPLIANCE WITH SUBSECTION (14) SHALL INCLUDE A STATEMENT IN THE NOTIFICATION REQUIRED UNDER 40 CFR 257.102(G) OR (K)(5) THAT THE COAL ASH IMPOUNDMENT IS CLOSING OR RETROFITTING UNDER THE REQUIREMENTS OF SUBSECTION (14).**

**(16) THE TIME FRAME SPECIFIED IN SUBSECTION (14) DOES NOT APPLY IF THE OWNER OR OPERATOR COMPLIES WITH THE ALTERNATIVE CLOSURE PROCEDURES SPECIFIED IN 40 CFR 257.103.**

**(17) AT ANY TIME AFTER THE INITIATION OF CLOSURE UNDER SUBSECTION (14), THE OWNER OR OPERATOR MAY CEASE CLOSURE ACTIVITIES AND INITIATE A RETROFIT OF THE COAL ASH IMPOUNDMENT IN ACCORDANCE WITH THE REQUIREMENTS OF 40 CFR 257.102(K)." and renumbering the remaining subsections.**

3. Amend page 52, line 4, after "UNDER" by striking out the balance of the line through "11519A(18)(B)" on line 5 and inserting "SUBSECTION (22)(B)".

**The motion did not prevail by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:**

**Yeas: Representatives Sowerby, Chang, and Cambensy, (3/9)**

**Nays: Representatives Howell, LaFave, Maturen, Bellino, Rendon, and VanderWall, (6/9)**

The amendments were not adopted.

**Representative Sowerby offered and moved to adopt the following amendment to House Bill 6269 (H-1):**

1. Amend page 32, line 5, after "THAT" by striking out the balance of the subsection and inserting a comma and "IN LIEU OF THE REQUIREMENTS OF R 299.4307(1) TO (5) OF THE PART 115 RULES, 40 CFR 257.72 APPLIES."

**The motion did not prevail by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:**

**Yeas: Representatives Sowerby, Chang, and Cambensy, (3/9)**

**Nays: Representatives Howell, LaFave, Maturen, Bellino, Rendon, and VanderWall, (6/9)**

The amendment was not adopted.

**Representative Maturen moved to report House Bill 6269 with the recommendation that the substitute (H-1) be adopted and that the bill then pass.**

**The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:**

**Yeas: Representatives Howell, LaFave, Maturen, Rendon, VanderWall, and Cambensy, (6/9)**

**Nays: Representatives Bellino, Sowerby and Chang. (3/9)**

The bill and the substitute were referred to the order of Second Reading of Bills.

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The Chair laid before the committee House Bill 6123.

**HB 6123 (VanSingel)** Water; conservation; water use advisory council; create.

Travis Chapman, Legislative Assistant for Representative Scott VanSingel, the bill sponsor, explained the (H-3) substitute.

The Chair offered the substitute (H-3) for House Bill 6123.

**Representative Rendon moved to adopt substitute (H-3) to House Bill 6123.**

**The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:**

**Yeas: Representatives Howell, LaFave, Maturen, Bellino, Rendon, VanderWall, Sowerby, Chang and Cambensy, (9/9)**

**Nays: None. (0/9)**

The substitute was adopted.

The following individuals submitted a testimony card in support of the bill, but did not wish to speak:

Matt Smego, Manager of Michigan Farm Bureau's Government Relations;  
Mike Frederick, representing the Michigan Ground Water Association;  
Dr. Bryan Burroughs, Executive Director for Michigan Trout Unlimited;  
Mike Wenkel, Executive Director of the Potato Growers of Michigan; and  
Jason Geer, Director of Energy and Environmental Policy for the Michigan Chamber of Commerce.

Sarah M. Howes, Legislative Liaison in the Executive Division of the Michigan Department of Environmental Quality, submitted a testimony stating the department is neutral on the bill.

**Representative LaFave moved to report House Bill 6123 with the recommendation that the substitute (H-3) be adopted and that the bill then pass.**

**The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:**

**Yeas: Representatives Howell, LaFave, Maturen, Bellino, Rendon, VanderWall, Sowerby, Chang and Cambensy, (9/9)**

**Nays: None. (0/9)**

The bill and the substitute were referred to the order of Second Reading of Bills.

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The Chair laid before the committee House Bill 6153.

**HB 6153 (Rendon)** Natural resources; funding; forest and mineral resource development grant and loan program; repeal.

Representative Daire Rendon, the bill sponsor, explained the bill.

Anna Mooney, Legislative Liaison in the Legislative and Legal Affairs Office of the Michigan Department of Natural Resources, submitted a testimony card in support of the bill.

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The Chair laid before the committee House Bills 5607, 5595, 5596, 5594, 5597, and 5608.

**HB 5607 (Chang)** Construction; asbestos; public contracts for asbestos abatement projects; require background investigation and public posting of certain information.

**HB 5595 (Maturen)** Construction; asbestos; public contracts for asbestos abatement projects; require disclosure of environmental violations.

- HB 5596 (Howell)** Construction; asbestos; provision allowing the withholding of payment to asbestos abatement contractors or demolition contractors for environmental violations; require certain local government contracts to contain.
- HB 5594 (VanSingel)** Environmental protection; air pollution; asbestos emissions; require annual report on sufficiency of number of inspectors.
- HB 5597 (Sowerby)** Labor; health and safety; provisions related to civil penalties; modify with respect to repeated violations and asbestos-related violations.
- HB 5608 (Garrett)** Environmental protection; air pollution; asbestos inspection fee; implement.

The Chair went at ease, at the call of the Chair, at 9:24 a.m.

The Chair handed over the gavel to the Majority Vice-Chair, Representative LaFave, at 9:25 a.m.

Representative Stephanie Chang, the bill sponsor for House Bill 5607, Representative David Maturen, the bill sponsor for House Bill 5595, and the Chair, the bill sponsor for House Bill 5596, explained their bills. Questions followed. Representative Chang's handouts are attached.

The Majority Vice-Chair went at ease, at the call of the Chair, at 9:35 a.m.

Representative LaFave, the Majority Vice-Chair, turned over the gavel to the Chair at 9:36 a.m.

Representative William Sowerby, the bill sponsor for House Bill 5597, Travis Chapman, Legislative Assistant for Representative Scott VanSingel, the bill sponsor for House Bill 5594, and Representative LaTanya Garrett, the bill sponsor for House Bill 5608, explained their bills. Questions followed.

Sarah M. Howes, Legislative Liaison in the Executive Division of the Michigan Department of Environmental Quality, Mary Ann Dolehanty, Director of the Air Quality Division of the Michigan Department of Environmental Quality, testified on the bill package. Questions followed.

Karen Kajiya-Mills, Supervisor of the Technical Programs Unit in the Field Operations Section in the Air Quality Division in the Michigan Department of Environmental Quality, responded to questions.

Nick Leonard, Staff Attorney at Great Lakes Environmental Law Center University of Michigan-Dearborn, testified in support of House Bills 5607, 5596, 5595, and 5594.

Charlotte Jameson, Energy Policy and Legislative Affairs Director for the Michigan Environmental Council, submitted a testimony card in support of the bill package.

Mike Berkowitz, Legislative and Political Director for the Michigan Chapter of the Sierra Club, submitted a testimony card in support of the bill package, but did not wish to speak.

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The Chair laid before the committee House Bills 5233 and 6133.

**HB 5233 (VanderWall)** Natural resources; hunting; criteria and requirements for the taking of deer during the youth hunt weekend; establish.

**HB 6133 (VanderWall)** Natural resources; hunting; transfer of private-land antlerless deer license to immediate family member; allow.

Representative Curt VanderWall, the bill sponsor, explained the bills. Questions followed.

Anna Mooney, Legislative Liaison in the Legislative and Legal Affairs Office of the Michigan Department of Natural Resources, spoke on the bills.

Dan Eichinger, Executive Director, and Amy Trotter, Deputy Director, representing Michigan United Conservation Clubs, expressed their concerns with the bills.

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There being no further business before the committee; **Representative Cambensy moved to adjourn the meeting.**

The motion prevailed, the time being 10:29 a.m.

The Chair declared the Committee adjourned.

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Gary Howell, Chair  
House Standing Committee on Natural Resources

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Joy Brewer, Committee Clerk

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Date approved by the committee