



Issue Brief

MICHIGAN COUNTIES

LEGISLATIVE CONFERENCE

Lansing Center | DoubleTree Hotel | April 29 - May 1, 2024

Polluter Pay Legislation

Background

A package of bills has been introduced that environmentalists are referring to as “polluter pay legislation,” while industry leaders are calling it an attack on brownfield redevelopment.

Senate Bills 605-611 add new regulations for businesses and local units of government to own and operate contaminated sites. It does not hold polluters accountable but requires current owners of contaminated sites to conduct a baseline environmental assessment and submit a “due care plan” to the state every five years. This would be a costly and burdensome mandate.

There is a stipulation for financial assurance on any facility that houses a pollutant. For each of these facilities, a county would need to take out a bond for 70 percent of the cost to remediate the release of all pollutants on site. Many county road agencies own salt sheds and brine tanks for maintenance activities, and a standard salt shed would call for a bond of hundreds of thousands of dollars.

MAC’s Efforts

- MAC met with bill sponsors to discuss the legislation. We have taken part in meetings with other interest groups in an attempt to collaborate and navigate a path forward.
- MAC has signed a letter of opposition alongside industry leaders. The bills have not yet had a hearing, but MAC will formally oppose the legislation should it move forward.
- There has been some discussion of a hearing taking place this spring, but MAC does not expect the legislation will advance at this time. However, we are preparing for movement during the fall or even possibly the “lame duck” session after the November elections.



Message to Lawmakers

- “Polluter Pay” legislation will not hold polluters accountable and will undermine brownfield redevelopment efforts – orphan sites will remain orphaned.
- Local governments will see financial and regulatory consequences because of this legislation.
- The financial assurance component will be detrimental to counties and their road agencies.