

## Pollution Cleanup Package

Report more information about polluted sites and require more contaminated materials to be removed or treated rather than left in place	SB 605/HB 5247
Ensure cleanup criteria can be updated to protect public health as researchers learn more about risks.	SB 606/HB 5242 SB 607/HB 5245
Enable Michigan to hold polluters accountable for cleanup and damages to our environment from contaminants not regulated before 1994, including PFAS.	SB 609/HB 5243
Enable Michiganders who have only recently found out that they were harmed to sue polluters, aligning with federal statute of limitations “discovery rule.”	SB 611/HB 5244

### Transparency ● Protection ● Accountability

The Pollution Cleanup Package has been further refined and focused post-introduction through an intensive workgroup process facilitated by EGLE, with active participation from stakeholders in industry, local government, environmental advocacy, and legislators.

It will:

#### **Provide more information to EGLE and the public about sites and cleanups**

Explicitly require reporting of past releases. Many sites have gone unreported if they have not changed hands.  
Require reporting on self-managed cleanups of releases.  
Better post-cleanup monitoring to detect migration of contaminants in groundwater.  
Require owner/operators to file due care plans detailing how they will fulfill their duty to protect the public.  
On sites where ongoing action or monitoring is needed post-cleanup, require Remedial Action Closure Reports.

#### **Focus on responsible parties**

Recognize the crucial role of brownfield redevelopment in cleanup, keep focus on polluters’ responsibilities.  
\*Does not return to strict liability,\* so successor owners are not liable for pollution they did not cause.  
Prescribe new civil infraction penalties for failing to submit required cleanup plans and progress reports.

#### **Protect natural resources**

Require more cleanup of released material, not just limiting human contact through land/water restrictions.  
Prioritize effective cleanups by acknowledging appropriate future land use- not all polluted areas can be restored to residential or drinking water standards.  
When a release occurs, require response activities to limit the spread even within a property.  
Enable the public to recover damages for emerging contaminants that have harmed our land, air, and water.

#### **Protect public health**

Fix the broken update process that has blocked health-protective cleanup criteria for dozens of contaminants.  
Allow restrictions for land/water use as needed to protect the public, but not as a way to avoid doing cleanup.  
Undo the unjust statute of limitations that says Michiganders are too late to sue polluters when they get sick.

---

# Pollution Cleanup Package

---

## SB 605/HB 5247

- Identify sites that are currently unknown to EGLE and the public by requiring persons who are aware that hazardous substances have been released into the environment to report it.
- More cleanup plans and progress reports must be filed and made available to the public.
- Clarify immediate actions to limit damage required when release is discovered.
  - An initial assessment report generally describing the scope of contamination at a facility.
  - A remedial action plan explaining how and when contamination going to be addressed.
  - Remedial Action Closure Report – At sites which will require some level of ongoing operation and monitoring, which may include financial assurance to ensure work is completed.
  - No Further Action Report – A closure at which no further work will be required.
- Require the submission of a due care plan which shows how the public will be protected.
- Allow the department to take action to protect public health and pursue cost recovery if appropriate.

## SB 606/HB 5242

- Enable EGLE to update health-based exposure values outside the administrative rules process after publicly announcing their intent to review a chemical, searching for the most recent health studies, and going through a public input process.
- SB 606/HB 5242 will specify the primary sources which compile health studies to determine appropriate cleanup standards, but delete existing overly restrictive statutory directives on evaluating toxicity.
- These values are inputs in calculating cleanup criteria—standards for how clean is clean enough.
- Site-specific criteria could still be implemented as appropriate.
- Better monitor groundwater to detect plume spread and increase protections for drinking water sources.
- Make cleanup or treatment to an appropriate cleanup criterion the preferred option, not leaving contamination in place and simply limiting access to land/water through institutional controls.

## SB 607/HB 5245

- Companion bill to enable SB 606/HB 5242 in the Administrative Procedures Act.
- The basic formulas and assumptions for setting standards would remain subject to APA rulemaking.

## SB 609/HB 5243

- When the dangers posed by a chemical are unknown or concealed, the statute of limitations often leaves the state unable to sue polluters for cleanup costs or harms to our land and water.
- This leaves taxpayers on the hook for cleanup costs and gives a pass to polluters who concealed information about toxicity from regulators.
- SB 609/HB 5243 would start the 6-year limitations clock when on-site remediation begins for a contaminant not regulated by the state or federal government prior to 1994, such as PFAS.

## SB 611/HB 5244

- By the time someone finds out that they have been exposed to a toxic substance and that it has harmed them or their family, the window to hold the polluter accountable in court is often already closed.
- SB 611/HB 5244 would start the clock for hazardous substance claims in Michigan when the plaintiff discovered or should have discovered the problem, paralleling the federal limitations clock.