

House Bills 4011 and 4012

Sponsor: Rep. Tom Alley

**Committee: Conservation, Recreation &
Environment**

Complete to 2-4-91

A SUMMARY OF HOUSE BILLS 4011 AND 4012 AS INTRODUCED 1-31-91

House Bill 4011 would create an act to require the Department of Natural Resources, in consultation with the public health, agriculture, state police, and transportation departments, to develop a statewide hazardous substance spill prevention program by June 1, 1990. In developing the program, the DNR would have to 1) assess the potential of hazardous spills into state waters that were associated with a "fixed installation" (meaning a place that "manufactures, produces, sells, uses, or stores" hazardous materials, operates as a "transfer station" for these, or from which a hazardous spill could contaminate state waters) and with a "mobile source" (basically, a vehicle transporting hazardous materials) that could cause, or have caused, spills; 2) develop a listing of general types of mobile sources and fixed installations and identify those with a high risk of resulting in hazardous spills in state waters; 3) plan and conduct public meetings and discussion seminars involving the public, owners and operators of mobile sources and fixed installations, and appropriate professional and industrial groups to receive and evaluate suggestions for developing the program; 4) consult various scientific and technical information and consult with recognized hazardous spill experts; and 5) determine, and advise the governor and legislature, if initiatives are needed to prevent hazardous spills and to ensure that spills were reported.

The program would apply to those mobile sources and fixed installations identified by the department to have the greatest potential to result in a hazardous spill, would have to include planning and conducting of public education and discussion seminars involving the public and other professional and industrial groups in the spill prevention program, and would have to evaluate existing prevention plans and identify necessary changes to those plans. Further, the program would have to recommend new spill prevention programs for situations that could contribute to them, including the following:

- * mobile source and fixed installation engineering design;
 - * causal factors in hazardous spills;
 - * human factors contributing to human error and how these could be eliminated through employee assistance and other employer and state support programs;
 - * deployment of new technology related to the prevention of hazardous spills;
 - * mobile sources and fixed installations operator and employee training programs;
- and
- * monitoring and enforcement of laws or rules pertaining to mobile sources and fixed installations.

The program would be implemented in coordination with other state, federal, local, and international agencies in developing new spill prevention and response technologies specific to spill prevention needs in the state, and would provide for the collection and dissemination of existing information on contributing factors in spills. The legislature would have to annually appropriate sufficient funds to implement the bill.

House Bill 4012 would create an act to require the Department of State Police, in conjunction with the DNR and the Department of Public Health, to establish a Michigan Spills Action Center relative to spills of hazardous materials into the environment. The center would be staffed and operated cooperatively by the three departments (24 hours per day), although the state police would lead in managing the center's operations. If any of the departments required reporting of a hazardous spill pursuant to law, the state police department could require that reporting be done to the center.

The bill specifies that a person would have to immediately report to the center each spill of a hazardous material, and that this report would have to include all relevant information required by the center. The center would 1) receive reports on hazardous material spills, 2) provide technical advice and guidance on immediate emergency response to hazardous spills and advise on necessary health and environmental protective measures, 3) compile information on spill history for spills reported to the center, 4) relay reports of spills to other agencies obligated by law to receive the information, and 5) assess actions necessary to respond to a reported spill, monitor the local response activity, and coordinate state assistance as needed.

The directors of the three departments would have to enter into a cooperative agreement to establish and operate the center. The agreement would have to specify at least the following:

- * training of center staff;
- * reporting requirements;
- * responsibilities of each department;
- * equipment requirements for operation of the center;
- * software and other support materials required for the center's operation;
- * the center's operating procedures;
- * the programs within each of the departments that would direct reporting be done to the center; and
- * other relevant information.

All three department directors would have to annually review the agreement and revise it when necessary. The legislature would also have to annually appropriate sufficient funds to implement the bill.