

HAZARDOUS SPILLS

House Bills 4803 and 4804

Sponsor: Rep. Tom Alley

Committee: Conservation, Recreation &
Environment

Complete to 5-13-91

A SUMMARY OF HOUSE BILLS 4803 AND 4804 AS INTRODUCED 5-9-91

House Bill 4803 would create a new act to provide that when money was available from a special fund that would be created under the bill, the Department of Management and Budget (DMB), in conjunction with the Departments of State Police, Natural Resources, and Public Health, would have 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 four departments 24 hours per day, although the DMB would lead in managing the center's operations. If any of the departments except DMB currently required reporting of a hazardous spill pursuant to law, each of them 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:

- * receive reports on hazardous material spills;
- * provide technical advice and guidance on immediate emergency response to hazardous spills and advise on necessary health and environmental protective measures;
- * compile information on spill history for spills reported to the center;
- * relay reports of spills to other agencies obligated by law to receive the information;
- * assess actions necessary to respond to a reported spill, monitor the local response activity, and coordinate state assistance as needed.

The directors of the four departments would have to enter into a cooperative agreement to establish and operate the center, and would have to annually review the agreement and revise it when necessary. 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.

Restricted Fund. The bill would create the Michigan spills action center fund which could receive money as appropriated from the legislature or from public or private donations. Money in the fund would have to be used cooperatively by the four departments to establish, manage, staff, and operate the spills action center as specified in the cooperative agreement. The state treasurer would direct the investment of the fund, and interest and earnings of the fund would have to be credited to the fund. Money left over at the end of a fiscal year would revert to the fund and not to the general fund. Under the bill, no money could be paid out of the fund until it accumulated a balance of \$2 million, after which money could be appropriated from the fund to each of the four departments as needed to implement the bill's provisions. After the initial appropriation, fund monies could be expended when needed for the bill's purposes.

House Bill 4804 would create a new act to require the management and budget department, in consultation with the natural resources, public health, agriculture, state police, and transportation departments, to develop a statewide hazardous substance spill prevention program by June 1, 1992. In developing the program, the DMB would have to:

- * 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;

- * develop a listing of "general types" of mobile sources and fixed installations and identify those with the highest risk of resulting in hazardous spills in state waters;

- * 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;

- * consult various scientific and technical information and consult with recognized hazardous spill experts;

- * consult with the U.S. Coast Guard; and

- * determine if initiatives were needed to prevent hazardous spills and to ensure that they were reported, and advise the governor and legislature on this.

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. It 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 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 hazardous spills, including:

- * 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 have to 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 have to provide for the collection and dissemination of existing information on contributing factors in spills. Before implementing the program, DMB would have to submit it to the House Committee on Conservation, Recreation and Environment and the Senate Committee on Natural Resources and Environmental Affairs for approval; the program could not be implemented without approval by these legislative committees.