

# HOUSE BILL No. 4668

April 16, 1991, Introduced by Reps. Hoffman, Bartnik, Alley, DeMars, Weeks, Nye, Harder, Hoekman, Martin, Middaugh, Bodem, Dalman, Jaye and Niederstadt and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend sections 3 and 10 of Act No. 478 of the Public Acts of 1988, entitled as amended "Leaking underground storage tank act," being sections 299.833 and 299.840 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Sections 3 and 10 of Act No. 478 of the Public  
2 Acts of 1988, being sections 299.833 and 299.840 of the Michigan  
3 Compiled Laws, are amended to read as follows:

4 Sec. 3. (1) "Corrective action" means an action to stop,  
5 minimize, eliminate, or clean up a release or its effects, as may  
6 be necessary to protect the public health, safety, welfare, or  
7 the environment. This includes, but is not limited to, release  
8 investigation, mitigation of fire and safety hazards, tank repair  
9 or removal, soil remediation, hydrogeological investigations,

1 free product removal, groundwater remediation and monitoring,  
2 exposure assessments, the temporary or permanent relocation of  
3 residents, and the provision of alternate water supplies.

4 (2) "Department" means the department of ~~natural resources~~  
5 ENVIRONMENT AND HUMAN HEALTH, its employees, agents, or  
6 contractors.

7 (3) "Director" means the director of the department or his  
8 or her designee.

9 (4) "Free product" means a regulated substance in a liquid  
10 phase that is not dissolved in water, that has been released into  
11 the environment.

12 (5) "Local unit of government" means a city, village, town-  
13 ship, county, fire department, or local health department as  
14 defined in section 1105 of the public health code, Act No. 368 of  
15 the Public Acts of 1978, being section 333.1105 of the Michigan  
16 Compiled Laws.

17 Sec. 10. (1) The director may issue a corrective action  
18 order requiring compliance with this act. A corrective action  
19 order issued under this section shall state with reasonable spec-  
20 ificity the basis for issuance of the order, and specify a rea-  
21 sonable time for compliance.

22 (2) Within 14 days after issuance of a corrective action  
23 order, the owner or operator may do either of the following:

24 (a) Consent in writing to the corrective action order.

25 (b) Request an opportunity for hearing before the

26 ~~commission of natural resources~~ DIRECTOR.

1       (3) ~~AT THE~~ hearing requested under subsection (2)(b),  
2 ~~shall be held at the next regular meeting of the commission of~~  
3 ~~natural resources which is scheduled at least 10 days after issu-~~  
4 ~~ance of the order. At the hearing, the commission of natural~~  
5 ~~resources~~ THE DIRECTOR may do any of the following:

6       (a) Make a final decision with respect to the order.

7       (b) Refer the matter to a hearings officer for contested  
8 case proceedings pursuant to the administrative procedures act of  
9 1969, Act No. 306 of the Public Acts of 1969, being sections  
10 24.201 to 24.328 of the Michigan Compiled Laws.

11       (c) Take other actions as may be necessary to protect the  
12 public health, safety, welfare, or the environment.

13       (4) If the ~~commission~~ DIRECTOR has not taken 1 of the  
14 actions provided in subsection (3) within 30 days after a request  
15 made pursuant to subsection (2), then the owner or operator may  
16 request a contested case hearing pursuant to Act No. 306 of the  
17 Public Acts of 1969.

18       (5) A final decision in an administrative proceeding pursu-  
19 ant to subsection (3) or (4) may be reviewed by a circuit court  
20 for the county of Ingham or the county where the release occurred  
21 or where the owner or operator resides.

22       (6) The pendency of any administrative or judicial proceed-  
23 ing on a corrective action order shall not preclude the director  
24 from taking corrective action pursuant to section 11 of this  
25 act.

1 Section 2. This amendatory act shall not take effect unless  
2 all of the following bills of the 86th Legislature are enacted  
3 into law:

4 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4674 (request  
5 no. 02482'91).

6 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4669 (request  
7 no. 02483'91).