

HOUSE BILL No. 4803

May 9, 1991, Introduced by Reps. Alley, Bartnik, Middaugh, DeBeaussaert and Hickner and referred to the Committee on Conservation, Recreation and Environment.

A bill to provide for the establishment of a Michigan spills action center; to require the reporting of certain spills of certain hazardous materials; and to prescribe the powers and duties of the center and of certain state agencies and officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Center" means the Michigan spills action center estab-
3 lished pursuant to section 2.

4 (b) "Department" means the department of management and
5 budget.

6 (c) "Environment" means any surface water, groundwater,
7 drinking water supply, land surface, subsurface strata, or ambi-
8 ent air within the state.

9 (d) "Fund" means the Michigan spills action center fund
10 created in section 6.

1 (e) "Hazardous material" means a chemical or other material
2 which is or may become injurious to the public health, safety, or
3 welfare or to the environment.

4 (f) "Person" means an individual, partnership, corporation,
5 association, a governmental entity, or other legal entity.

6 (g) "Spill" means any leaking, pumping, pouring, emptying,
7 emitting, discharging, escaping, leaching, or disposing of a haz-
8 ardous material in a quantity which is or may become injurious to
9 the public health, safety, or welfare or to the environment.

10 Sec. 2. (1) Upon the availability of money from the fund,
11 the department, in conjunction with the department of state
12 police, the department of natural resources, and the department
13 of public health, shall establish a Michigan spills action
14 center.

15 (2) The center shall be staffed and operated cooperatively
16 by the department, the department of state police, the department
17 of natural resources, and the department of public health.

18 (3) The department shall be the lead agency and shall manage
19 the center's operations pursuant to the cooperative agreement
20 detailed in section 5.

21 (4) The center shall be staffed and operated 24 hours per
22 day.

23 Sec. 3. The center shall do all of the following:

24 (a) Receive reports on spills of hazardous materials into
25 the environment.

26 (b) Provide technical advice and guidance on immediate
27 emergency response to spills of hazardous materials into the

1 environment and the necessary health and environmental protective
2 measures.

3 (c) Compile information on spill history for spills reported
4 to the center.

5 (d) Relay reports of spills to other agencies obligated by
6 law to receive this information.

7 (e) Assess actions necessary to respond to a reported spill,
8 monitor the local response activity, and coordinate state assist-
9 ance as necessary.

10 Sec. 4. If the department of state police, the department
11 of natural resources, or the department of public health requires
12 reporting of a spill of a hazardous material into the environment
13 pursuant to law, that department may require that the reporting
14 shall be done to the center.

15 Sec. 5. (1) The directors of the department, the department
16 of state police, the department of natural resources, and the
17 department of public health shall enter into a cooperative agree-
18 ment to establish and operate the center. At a minimum the
19 agreement shall specify all of the following:

20 (a) Training of center staff.

21 (b) Reporting requirements.

22 (c) Responsibilities of each department.

23 (d) Equipment requirements for operation of the center.

24 (e) Software and other support materials required for center
25 operation.

26 (f) Operating procedures of the center.

1 (g) The programs within each of the departments that will
2 direct reporting be done to the center.

3 (h) Other relevant information.

4 (2) The directors of the department, the department of state
5 police, the department of natural resources, and the department
6 of public health shall annually review the agreement provided for
7 in subsection (1) and revise it as is necessary.

8 Sec. 6. (1) The Michigan spills action center fund is cre-
9 ated in the state treasury. Money in the fund shall be used
10 cooperatively by the department, the department of state police,
11 the department of natural resources, and the department of public
12 health to establish, manage, staff, and operate the center in
13 conjunction with the agreement required by section 5.

14 (2) The fund may receive money as appropriated by the legis-
15 lature; or from gifts, grants, or bequests from any public or
16 private source; or from the federal government or a local unit of
17 government. The state treasurer shall direct the investment of
18 the fund. Interest and earnings of the fund shall be credited to
19 the fund. Money in the fund at the close of the fiscal year
20 shall remain in the fund and shall not revert to the general
21 fund.

22 (3) Money shall accumulate within the fund and shall not be
23 expended until the fund contains \$2,000,000.00. When the fund
24 contains \$2,000,000.00, money may be appropriated from the fund
25 to the department, the department of state police, the department
26 of natural resources, and the department of public health in
27 amounts necessary to implement this act. Following the initial

1 appropriation, money in the fund may be expended as necessary to
2 implement this act.

3 Sec. 7. A person shall report immediately to the center
4 each spill of a hazardous material into the environment. The
5 report shall include all relevant information as required by the
6 center.