

HOUSE BILL No. 4804

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 create a statewide hazardous material spill prevention program to preserve and protect the public health, safety, and welfare and the waters of the state; and to provide the powers and duties of certain state agencies and officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Department" means the department of management and
3 budget.

4 (b) "Fixed installations" means any facility or appurtenant
5 equipment that manufactures, produces, sells, uses, or stores a
6 hazardous material or operates as a transfer station for a haz-
7 ardous material and from which a spill of a hazardous material
8 may contaminate the waters of the state.

1 (c) "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 (d) "Mobile source" means a vessel, vehicle, train, or plane
5 that transports a hazardous material in the state.

6 (e) "Program" means a statewide hazardous material spill
7 prevention program.

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

12 (g) "Waters of the state" means all groundwaters, lakes,
13 rivers, streams, and other watercourses including the Great Lakes
14 and their connecting waterways within the jurisdiction of the
15 state.

16 Sec. 2. (1) The department, in consultation with the
17 departments of natural resources, public health, agriculture, and
18 state police, and the state transportation department, shall
19 develop a statewide hazardous material spill prevention program
20 by June 1, 1992.

21 (2) In developing the program, the department shall do all
22 of the following:

23 (a) Assess the potential of spills of hazardous materials
24 into the waters of the state associated with fixed installations
25 and with mobile sources that may cause or have caused spills.

26 (b) Develop a listing of general types of mobile sources and
27 fixed installations and identify those with the greatest

1 potential to result in a spill of a hazardous material into the
2 waters of the state.

3 (c) Plan and conduct public meetings and discussion seminars
4 to involve the public, owners and operators of mobile sources and
5 fixed installations, and appropriate professional and industrial
6 groups to receive and evaluate suggestions for development of the
7 program.

8 (d) Consult available and relevant scientific and technical
9 information and consult with recognized experts in the area of
10 hazardous material spills.

11 (e) Consult with the United States coast guard.

12 (f) Determine and advise the governor and the legislature if
13 initiatives are necessary to prevent spills of hazardous materi-
14 als into the waters of the state and the reporting of those
15 spills.

16 Sec. 3. (1) The program shall apply to those mobile sources
17 and fixed installations that are identified by the department
18 pursuant to section 2(2)(b) to have the greatest potential to
19 result in a spill of a hazardous material into the waters of the
20 state.

21 (2) The program shall include the planning and conducting of
22 public education and discussion seminars to involve the public
23 and appropriate professional and industrial groups in the spill
24 prevention program.

25 (3) The program shall, on an ongoing basis, evaluate exist-
26 ing prevention plans and identify necessary changes to those
27 plans, and recommend new programs for the prevention of spills of

1 hazardous materials for the following that may contribute to
2 spills of hazardous materials into the waters of the state:

3 (a) Mobile source and fixed installation engineering
4 design.

5 (b) Causal factors in spills of hazardous materials into the
6 waters of the state.

7 (c) Human factors contributing to human error and how they
8 can be minimized through employee assistance and other employer
9 and state support programs.

10 (d) Deployment of new technology related to the prevention
11 of spills of hazardous materials into the waters of the state.

12 (e) Mobile sources and fixed installations operator and
13 employee training programs.

14 (f) Monitoring and enforcement of laws or rules pertaining
15 to mobile sources and fixed installations.

16 (4) The program shall be implemented in coordination with
17 other state, federal, local, and international agencies in the
18 development of new spill prevention and response technologies
19 specific to the needs for spill prevention in the waters of the
20 state.

21 (5) The program shall provide for the collection and dissem-
22 ination of existing information on the issues listed in subsec-
23 tion (3)(a) to (f).

24 (6) Prior to implementing the program, the department shall
25 submit the program to the house committee on conservation, recre-
26 ation, and environment and the senate committee on natural
27 resources and environmental affairs for approval. The program

1 shall not be implemented until approved as provided in this
2 subsection.